

17. Blessed Little Teresa's L. S. G. S., Irinjalakkuda.
18. Sacred Heart's Convent L. S. G. S., Chalakkudi.
19. St. Mary's L. S. G. S., Kuzhikattusseri.
20. St. Antony's L. S. S., Mala.

Voting of Demands for Grants.

3. XIV—Accounts and Finance—Rs. 39,656 (contd.)

Motion No. 2 (contd.)

President.—When we rose yesterday, Demand No. XIV was under consideration, and Mr. Salem moved his motion No. 2. Have you finished your speech?

Mr. A. B. Salem.—I asked for a list of the defalcations. I would like the Hon'ble Member to give me a list.

Mr. K. Krishna Pisharodi.—There is no list of defalcations.

Mr. A. B. Salem.—How many cases?

Mr. K. Krishna Pisharodi.—Various irregularities I have noted.

Mr. A. B. Salem.—In the list handed over to me there is only one case worth noting, and that is, Industrial Museum, special report on the huge arrears on account of credit sales pending.

Mr. K. Krishna Pisharodi.—It is only the result of the audit conducted in the office which is subject to local audit.

Mr. A. B. Salem.—There are no cases of defalcation?

Mr. K. Krishna Pisharodi.—There was one, and that was not in an office subject to local audit. A special audit was ordered by the Government when the Government suspected that there was something wrong. A special audit was conducted and the report has just been submitted, and it is under consideration.

Mr. A. B. Salem.—In one of the previous Councils I raised a point whether any of the officers in the Stamp and Stationery Office during whose period such defalcations took place in the office whether any one of them has been asked to refund the amounts.

Mr. K. Krishna Pisharodi.—They have been asked to explain. The report has been sent to them. The amounts defalcated during their periods and the items have all been sent to them, and an explanation has been called for. The explanations have not been received in full; some of the officers have not sent.

President.—They have been asked to show cause why they should not be asked to refund.

Mr. A. B. Salem.—It is for that purpose that I have tabled this motion. If an officer has been doing his duty faithfully, conscientiously and honestly, and if a subordinate under him was criminally intelligent enough to evade the officer's vigilance and carry on something out of the way, should this honest officer suffer? That is the question.

President.—Should suffer, because suppose I am given some permanent advance and I never look into it. It is given on my responsibility. Suppose my confidential clerk draws the amount. I have no means of recovery. There is no other go. I must pay the amount.

Mr. A. B. Salem.—It is given to you and the matter is not handed over to the other person. If there are officers, suppose it is the confidential clerk who should receive the money, account for the money and should pay the money although it is spent for the Diwan's purpose. Then what would be the position? The position would be that that officer alone must be made responsible.

President.—The question is whether the officer responsible has drawn the amount, and the Government looks to him for accounting for the money properly. If my confidential clerk draws the money, it is I that drew and I trust him and I give the money to him. He betrays me. He walks away. Government comes and says we have nothing to do with the confidential clerk. It is your lookout to pay the money drawn by you. Government have every right to say that. Otherwise everybody can shirk responsibility.

Mr. A. B. Salem.—I concede that position perfectly because there was a duty cast upon the officer drawing the money to account for the disbursements as well.

President.—So in the present case of the Stamp Office, if the Supervising Officer drew the money and then handed it over to the bill clerk or whoever it may be and he walks away with it or misappropriates it and it is all found out, what is the explanation for this Supervising Officer who drew the money? So, will he not be liable for refunding that money?

Mr. A. B. Salem.—Certainly. He must be held liable in that case. What I wished to point out was, that I was, and even now I am, under the impression that each of the officers whether the Head of a Department or a subordinate officer has definite functions allotted to him under the Civil Service Regulation. Now take for instance the Chief Medical Officer's office. In that office there may be an accountant. The accountant is to account for, he is given the duty of accounting. You cannot expect the Chief Medical Officer to go through

the accounts every day. Therefore, if an officer is appointed to do a particular duty, why should not the Government clothe him with the responsibility of that particular action that he is expected to perform?

President—It is a matter for consideration when the explanation is received. It is a matter *sub.judice*. You can throw light on the subject and help the Government to come to a definite conclusion. But unfortunately you are not in possession of the proper materials.

Mr. A. B. Salem.—I do not want to enter into the...

President.—Take this as the principle. If an officer has drawn money on his own responsibility and has to account for it to the Government, he will be held responsible for the amount. It is no concern of the Government, if he hands it over to the clerk or anybody else. Government will not hear, if he says I was *bona fide* throughout, I never wanted to misappropriate, it is all the work of my clerk. If he were to say that, Government won't hear. That is the position.

Mr. A. B. Salem.—That is a correct position.

President.—If it is so, where is the scope for further argument?

Mr. A. B. Salem.—I am not arguing upon their case. I ask why should not the Government make arrangements. I am upon the system of Government. In the case of these officers, we know as a matter of fact that they are very busy and that they will not be physically able to look into it. Why should the Government or why should not the Government clothe the officers handling the money with the fullest responsibility and make them liable not only to refund the money misappropriated but also to be prosecuted, if he criminally does the thing? That is the point. What is the objection of the Government to make every accountant in every office fully responsible for accounting for funds that come into the hands of that officer? It may be that the Drawing Officer may be the Head of a Department. That may be inevitable, but once it comes to the office and the Drawing Officer hands over the same to the accountant and asks him to keep the account, why should not the accountant be made solely responsible for the money? That is the question that has to be considered. If the Government cannot make such a rule, it will be opening their offices to immense risks and will be throwing a very heavy burden of responsibility which would not be discharged fully whatever be the consequences. And they will have necessarily to be hauled up in the end, and they cannot help it. So that kind of situation will be weighing upon the minds of the officers of the Government constantly throughout, and that is not a healthy atmosphere in which an officer of

the Government should be put. That is the point for the Government to consider in this matter. That is why I am asking the question to the Accounts Officer to-day, why should he not make a rule under the Account Code, as to on whom will be the responsibility both for the money and for the manner of accounting. It should be placed upon the subordinates in charge of Government funds in the respective offices. Is it possible for the touring officers to be constantly coming to the office and checking all these things? Can it be expected? In the case of a Stationery Officer it may be possible. But a touring officer cannot do it. Take for instance the D. P. W. The Chief Engineer will be on the road. It will be impossible for him to check the accounts at Trichur every day. Large amounts of money are passing through his hands, nearly 17 lakhs.

President.—All through cheques only. The cheque book will be with him. He will never part with it.

Mr. A. B. Salem.—Bills will come there and cheques will be drawn. Advances are drawn. What a lot of precaution is taken in the banks with regard to the cheques? Cheques drawn for small amounts are enlarged for larger amounts. So many means are resorted to by culprits.

President.—These are all fraudulent practices. We are not concerned with them.

Mr. A. B. Salem.—For the fraud of another person, why should these financial responsibilities go to another head altogether? That is the point at issue upon which the Government will carefully consider. Here is a fraud, and if the officer has been a party to the fraud, he must certainly be booked. These officers should not be hauled up even in their retirement. On the other principle he must be hauled up.

President.—Retirement makes no difference.

Mr. A. B. Salem.—A person who has discharged his responsibility and is pensioned and has gone to Travancore can be tracked back. That will be the position unless we cannot reach him as in the case of Kuehnel who escaped to Austria and we could not reach him. So there is this Democles' sword hanging over every officer of Government. It is not a good state of affairs. That is the point on which I want Government to carefully consider and come to a decision, and see, if any rule or regulation cannot be added to the Account Code to rectify matters. Nobody who is innocent should suffer for the guilt of another. That is a proposition which everybody will agree to, and I am sure the Government will agree to it. But to enunciate the other principle and to drive it to its logical

conclusions will not be a healthy principle for a good atmosphere to surround the Government officers. It has been also said that there has been no test audit of any kind during the last year. May I know why this provision was made in the budget?

Mr. K. Krishna Pisharodi.—That is to be conducted in the next year.

Mr. A. B. Salem.—I also wish to know, Sir, in this connection how many officers in the Accounts Department, if any, have suffered adversely by the orders of the Special Finance Committee Report.

Mr. K. Krishna Pisharodi.—That all depends on the way you take 'adversely affected'.

Mr. A. B. Salem.—I shall explain myself. Whether any one in the Accounts and Finance Department from the peon upwards has suffered in his emoluments by the re-organisation.

President.—Is it a point on which you want information or is it that you are arguing on the information that you have already that the officers have suffered?

Mr. A. B. Salem.—I want information. I have asked for it on the back of the cut motion itself.

Mr. K. Krishna Pisharodi.—Sir, first of all,.....

President.—The simple question is how many have suffered by the re-organisation in your office. The number alone is required.

Mr. K. Krishna Pisharodi.—Some of the officers may think that they are adversely affected.

President.—So far as your office is concerned, how many have suffered?

Mr. K. Krishna Pisharodi.—One or two.

Mr. A. B. Salem.—Has any one put in petitions saying that I have been hardly hit and my case may be considered?

Mr. K. Krishna Pisharodi.—They have represented to me.

Mr. A. B. Salem.—How many?

Mr. K. Krishna Pisharodi.—Two.

Mr. A. B. Salem.—In writing?

Mr. K. Krishna Pisharodi.—Personally.

Mr. A. B. Salem.—May I know whether they have gone in this budget? It appears the scale is Rs. 25—100.

Mr. K. Krishna Pisharodi.—The budget does not give the names of persons.

Mr. A. B. Salem.—I do not want to know the names of the persons. Is it the auditors?

Mr. K. Krishna Pisharodi.—Yes.

President.—You have raised some questions and information was furnished to you. Do you want a discussion, or do you withdraw the cut motion?

Mr. A. B. Salem.—If anybody else wants to speak, I press for discussion?

President.—Anyone wishing to speak? None, I think.

Mr. A. B. Salem.—I don't press.

The motion was withdrawn with leave.

Motion No. 3.

Mr. V. V. Ananthapadmanabha Ayyar.—*To reduce the total allotment of Rs. 50,000 under Demand No. XIV by Re. 1.*

Mr. V. V. Ananthapadmanabha Ayyar.—I don't move.

Hence the motion was considered withdrawn.

Motion No. 4.

Mr. P. Krishna Menon.—*To reduce the allotment of Rs. 39,656, for establishment by Re. 1.*

Mr. P. Krishna Menon.—That motion was tabled, Sir, to call the attention of the Government to an apparant tendency in over estimating expenditure and under-estimating revenue, as I have put on the back of the slip. I do not wish to continue the discussion because that allegation has been invariably met by the answers that no true prophet has yet been born as to enable him to put the exact figures. As that is the answer generally given, I do not wish to press the motion. With the leave of the House I withdraw.

President.—Leave is necessary only if the discussion is continued. If you don't press it initially, no leave is necessary.

The motion was considered withdrawn.

Motion No. 5.

Mr. A. K. Kunhi Mofdeen.—*To reduce the allotment of Rs 39,656 for establishment by Re. 1.*

മിസ്റ്റർ. എ കെ. കുഞ്ഞുമൊയ്തീൻ.—സർ, കഴിഞ്ഞ ബഡ്ജറ്റിന്റെ സെഷനിൽ ഞാൻ ഈ ഡിമാണ്ടിൽത്തന്നെ ഒരു കട് മോഷൻ അയക്കുകയും അന്നുണ്ടായ വാദപ്രതിവാദത്തിനുശേഷം കൊടുക്കപ്പെട്ട രിലേയും സ്റ്റേയിംഗിലേയും കണക്കുകളെ സംബന്ധിച്ച ഒരു ലിസ്റ്റ് തയ്യാറാക്കി കൊടുക്കപ്പെട്ട മെമ്പറിനു കാണിച്ചുകൊടുക്കാമെന്നു ഫൈനാൻസുമെമ്പർ വാദാനം ചെയ്തതും ഉണ്ടായി. അതേ തേവരെ നിലവോറാതിരുന്നതിനെപ്പറ്റി പ്രതിവാദിക്കുകയാണു് ഈ കട് മോഷന്റെ ഉദ്ദേശം. പക്ഷെ, ലിസ്റ്റ് തയ്യാറാക്കി വെച്ചിട്ടുണ്ടെന്നും കാണിച്ചുതരാൻ തയ്യാറാണെന്നും അദ്ദേഹം ഈ

കെഴുത്ത് സിദ്ധി തുടങ്ങിയതിനുശേഷം എന്നെ അറിയിച്ചിരിക്കുന്നു തുകൊണ്ടു ഇതിനെ ഞാൻ പിൻവലിക്കുന്നു.

മിസ്റ്റർ കെ. കൃഷ്ണപിഷാരോടി.—ലീസ്റ്റ് തയ്യാറാക്കിവെച്ചിട്ട് ലിഖിതം വളരെയധികം പക്ഷെ ഒന്നിച്ചിരുന്നു കാണിച്ചുകൊടുത്തില്ലെങ്കിൽ അദ്ദേഹത്തെ പററിക്കയായിരിക്കുമെന്ന് നേരത്തെ തന്നെ അദ്ദേഹം എന്നോടു പറഞ്ഞതുകൊണ്ടാണ് ഇതേവരെ അയച്ചുകൊടുക്കാതെ വെച്ചിരുന്നത്.

മിസ്റ്റർ എ. കെ. കുഞ്ഞുമൊയ്തീൻ.—എഴുത്തുമൂലം എന്നെ അറിയിച്ചിരുന്നുവെങ്കിൽ ഏതു സമയത്തും വരാൻ ഞാൻ തയ്യാറായിരുന്നു.

The motion was considered withdrawn,
Motion No. 6.

Mr. A. B. Salem.—*To omit the allotment of Rs. 39,656 for Accounts and Finance.*

Mr. A. B. Salem.—Sir, I rise to move that the total amount of Rs. 39,656 for Accounts and Finance be omitted. I have stated yesterday why we are moving these total omissions.

President.—I was not present yesterday.

Mr. A. B. Salem.—The reason is, for any of the matters for which we are agitating we cannot ourselves move. Therefore, we can only expect to make our Government move, and Government moves very slowly and surely.

President.—Surely too?

Mr. A. B. Salem.—When they move, they move surely. So, in order to make the Government move, what can we constitutionally do is the question? Of course, in this land, we all form parts of a big whole and the officers are our own kith and kin. They are separate from us. But they are not different from us. But we want our officers all to agitate within their power to see this kind of unreal thing stop. We cannot stand it. So we must all move together to do something for our people. They must also throw in their weight, when we have to make matters move. What can we do for such a thing? We tried to cut the General Administration demand, and we succeeded in the last two years.

President.—Last one year.

Mr. A. B. Salem.—This year also we have cut. We wanted the Diwan to move in the matter. Therefore, we cut the General Administration last year. But perhaps the Diwan did not think that it was enough to move him. Therefore, we think of cutting all the Departments and I think all the Departments will move together and the Diwan will be forced to move along with them.

President.—If there is a rush from behind, how can I withstand?

Mr. A. B. Salem.—We must come to some settlement with the non-officials and see what can be done, whether the Government can make any advance. This is the last Budget Session of this Council, it may not be possible to do something to clothe the present Council, with extra powers—and all that, it may not be possible. But it may be possible for the Government to become broad-minded and to take note of all these matters and clothe the coming Council at least with some powers. That is the point. We are not antagonistic here.

President.—Just for my information, what are the matters really for which you are agitating?

Mr. A. B. Salem.—Sir, first of all there is one matter which the Government, as it is at present constituted, can easily remedy without any outside reference. That is supplementary questions.

President.—Yes, I shall make a note of that, so that there may be clearness. Every Member should have a right of putting supplementary questions.

Mr. A. B. Salem.—Just like every officer has the right to answer for another officer. The second is the throwing open of the Deputy Presidency at least to election. That can be changed by a rule.

President.—That can be easily done. I believe in Pudukkotta it is so.

Mr. A. B. Salem.—Yes. (3) The bifurcation of the offices of the President and the Diwan.

President.—In other words you want a non-official President.

Mr. A. B. Salem.—I need not go so far for the present. I would go slowly. By appointment let us have a President. A President may be appointed by His Highnesses.

President.—The Diwan should not be the President.

Mr. A. B. Salem.—Yes, that is all.

President.—And the President should be a non-official alone, I think.

Rama Varmha Tampuran.—Non-official of this Council.

Mr. A. B. Salem.—Of course he may be appointed just as a non-official Deputy President is appointed from the Council. The general sense of the Council is to throw open that also to election, if possible.

Mr. K. Ayyappan.—Why, if possible? Why can't you demand it.

Mr. A. B. Salem.—I demand it.

Dr. A. G. Menon.—Non-official elected President.

President.—That is the point raised in the memorial.

Why don't you stick to that?

Mr A. B. Salem.—I accept it. That is the general sense.

President.—Your idea is to have responsible Government. For that responsible Government, of course it is not good to give a non-official majority so long as there is this service. Even though they are in a minority their strength is rather large. They are irremovable. The executive to be controlled by the legislature, do you say that?

Mr A. B. Salem.—That will naturally follow from this. The executive should be responsible to the legislature.

President.—I suppose if you get all these, it will be a fair way.

Mr. A. B. Salem.—The service is to be separated from the legislature.

President.—If you come to the Party Government, it is too early.

Mr. A. B. Salem.—We do not come to that. We want an executive Council consisting of officials and non-officials.

President.—Is this diarchy?

Rama Varmha Tampuran.—What else? The selection is to be made from the non-official body.

President.—The executive is to be controlled by the legislature then.

Mr. A. B. Salem.—It may not come fully to that. I want it to be within practical limits. It may not come to that all of a sudden. It is very easy for the Government to have an Executive Council composed of both officials and non-officials in equal numbers and the Diwan will be the President of that Council. He will be able to know both sides of the pictures. It is not diarchy. It will be a compact council.

Rama Varmha Tampuran.—If it is non-officials within the Council, it will be diarchy.

Mr. A. B. Salem.—If you come to Ministerial Government that is the best. If that is not possible, we request you in the coming years to give in an Executive Council as there are large questions affecting Cochinites as a whole like the Harbour Development, Hydro-Electric scheme, Railway broad-gauge, development of trade, commerce and industry to be considered and in all these matters, we are now face to face with realities and face to face with not mere theories. We are going to have, whether we like it or not, a Diwan coming from outside. Of course there is no gainsaying this fact. This fact must be

openly said. We cannot sometime help a Diwan coming from outside. Therefore, what we can do is to safeguard our own interests. What is the remedy open to us? We must have at least some people of ours to express opinions and knowing things, and we have not got any such means now. You may say there are the officers of Government, but the officers of the Government will be subordinate, and unless you have got an Executive Council who can speak with authority and vote upon subjects, one man's will will prevail. And when he happens to be the servant of one partner in all these developments, however such he may be in goodness and honesty of purpose and safeguarding the interests of Cochin, it cannot, by any possible stretch of imagination, inspire confidence in the public, that Cochin affairs have received at his hand as much consideration as the affairs of the dominant party. It will not be possible to inspire us in reality. He may be strong, he may be doing the best for us. In all these we have to assure public opinion as well, that it is all being correctly done. This is the reason for the agitation that in the executive of the central Government and the provincial Governments, people have been pressing to put non-official members into these Executive Councils and partly they are demanding the fullest responsible Government. We in our State ought to demand some. But we know, if we demand, we cannot all of a sudden get it. There are so many considerations which every one knows, and, therefore the Executive Council is an imperative necessity in Cochin in this year and in the coming years, and we want the Government of Cochin to embody these things in a new Act which can be introduced; and that can be done even at present—the Government of Cochin Act or Regulation, or the Government of Cochin Act that we have been pressing here. Why not have a Government of Cochin Act and let us have the Government of Cochin in which this Executive Council idea can be put and the Legislative Council provisions also amended on these lines. Otherwise, in these momentous matters of importance, as I pointed out in the other cuts on the Customs, one half of the moiety is going from us. I pointed it out the other day in speaking upon that cut that was not admitted. Therefore, I press all these matters. We want our own people trained, and it is to move the Government on these lines that we are taking this step. Yesterday, Sir, we carried two cuts. One was a token motion and *in the token motion the burden of the song was the inefficiency of the Government.* That is how the token motion went. Therefore, Sir, I took care not to repeat matters that have already been repeated in the total cut. But one point which we wanted to emphasise was not then thought of.

President.—You cannot refer back to that.

Mr. A. B. Salem.—That comes here also. Why are we so much upon the Accounts Department? The Accounts Officer, the Comptroller of Accounts, has been the one Head of Department that has been standing against the demand of this House for a scrutiny of the accounts. We have been pressing this House for the appointment of a small committee by the Government itself for the purpose of scrutinising the course of expenditure of votable items.

President.—Do you mean the Public Accounts Committee?

Mr. A. B. Salem.—Yes, Sir. And if there is one officer who had a say in the matter, that is the Accounts Officer. The officer responsible for the accounts and finance would not agree to part with any of the powers of control that he has or would not share that control with this House. He stoutly opposed it, saying that this Council is only in its infancy, and it must grow before it must be clothed with greater powers in due time and he is the one officer that is standing against the control by this House, as far as the scrutiny of accounts.

Mr. K. Krishna Pisharodi.—All these are mis-statements.

President.—Don't lose your temper.

Mr. A. B. Salem.—Therefore, I have thought that the Finance Department must be completely cut so that he may share his responsibility with us; unless the responsibility is given to us, we cannot grow in responsibility. It is idle to say that you must learn swimming first and then jump into the water. We must jump into the water and then learn swimming. Let us jump into the scrutinising of the accounts, and then we will ourselves realise the great difficulty of scrutinising. Let us have that realisation. How can we have that realisation unless you help us to grow into it by sharing the responsibility with us as well? We do not ask you to clothe us with the fullest responsibility and show your hands out, we ask you to take us into your confidence, train us in these accounts, so that in the fulness of time we will also be able to look after ourselves. What is the objection? The Accounts Officer said no.

Mr. K. Krishna Pisharodi.—On what authority does he say that?

Mr. A. B. Salem.—It is in the Gazette. Read correspondence so and so.

Mr. K. Krishna Pisharodi.—Without reading the report. *(Loud laughter).*

Mr. A. B. Salem.—Any way the Government has opposed it, and in these matters the Comptroller of Accounts is the advising officer of the Government, as far as accounts are

concerned. So, you should share that part of it. It is not against Mr. Pisharodi personally I am speaking. I am taking care that I am not speaking against any person. It is the Accounts Officer.

President.—If the cap fits him, let him take it. (*Laughter*.)

Mr. A. B. Salem.—He is to take the responsibility. Some body must shoulder the responsibility. I put it on the Accounts Officer. If I am wrong, let him correct it. It will be the duty of the Accounts Officer to point out the party responsible for that (*Laughter*). Therefore, in no case, can my colleague on the official side escape responsibility. Therefore, I say we urge this cut particularly upon the ground that we want a Public Accounts Committee to be brought into force immediately. Because, Sir, two days, I have been noticing that even the transfer registers have not come to the Table.

Mr. K. Krishna Pisharodi.—They are generally brought in the afternoon.

Mr. A. B. Salem.—Even on the afternoons they were missing. Because yesterday I was particularly noticing that.

What I say is that in all these matters laxity will take place. Therefore, it is, that we wanted in the Standing Finance Committee meeting, to get progress reports, so that at least the Government might have a scrutiny. It is essential, to make the House grow in its sense of responsibility. I know, Sir, by coming to the Standing Finance Committee, how many an opinion I have revised by coming in close contact with the Government and knowing the inside. I feel more learned in these matters than before.

President.—It is only experience.

Mr. A. B. Salem.—It is only experience. Therefore, it was we asked for experience and you denied to give us that very experience. And what love can we show to that Department? Therefore, on the ground that the Public Accounts Committee is denied to us by the Government that we are going to take this step. We had passed a resolution. The Government did not accept that resolution. Now the matter has again come before the Government, so that they may reconsider the question. They must understand that non-official opinion is very strong on the matter. Therefore, I ask every Member of this House, whatever may be our opinion about other things, to cut this Departmental Demand in order to enable the Government to give us a Public Accounts Committee. We have no appropriation statements sent to us. Therefore, how are we to know the details of expenditure? We know that only after the whole thing is over. We can only know from the registers coming here and that also must come from the Departments. If we know it in time we can put in a word either of protest or advice. Without these things it is impossible for us to learn responsi-

bility and, therefore, I will urge every Member of this House upon this ground, upon the denial of the Public Accounts Committee, to cut this Demand of the Department, so that they may move on these lines. So, I press this motion to a division.

Dr. A. R. Menon.—Sir, before I agree to this motion of the mover, I want to make it plain that in making this demand we give out what is exactly in our minds. He has given the Government a number of requests or demands, whatever you like, that the non-officials would like to see materialised in the near future or in the distant future. We have adopted a course of action yesterday which may continue for a number of days. I am very anxious that the public or whom-so-ever it may concern should not consider that our demands are unreasonable and that we are actuated by a sense of irresponsibility. The reforms for which we have requested the Government can only be achieved in the distant future, and I do not want the public to think that, because we demanded all these things and the Government did not give us, we are forced to take this extreme step. What we want is that the Government should show at least a gesture—a friendly gesture—that our recommendations are having some effect, and we want the Government to make us realise that we too have a stake in the country and that we are also interested in the welfare of this country, and it is not the monopoly of the Government officials, to look after the interests of the State. We certainly note that the general attitude of the Government as a whole—I do not say that they have any bad intention—it may be that they have no belief in our capacity or our ability or in our temper to carry on the onerous duties. There is a change in time and we would rather wish the Government to be managed by the representatives of the people than the best form of Government that would be conducted by you people. That is a plain statement. We do not want the best form of Government conducted by an Oligarchy or Cabal if you like, however efficient it may be, but we would rather have the Government conducted and based upon the broad basis of the co-operation of the people and their representatives. We are waiting for a friendly gesture to see that the Government are also moving in that line, so that we understand that in the fulness of time, when conditions are acceptable and adaptable to the existing state of affairs, the Government will gradually usher in those reforms which are essential for a good democratic Government of any country in its present state of evolution. These are the reasons which prompted us to take this step. There is nothing against any official. It is only against the method on which the Government is carried on. We thought that this was the only way to

focus the attention of the public upon this vital issue. After nearly six years the Government should either consider that we are so incapable of managing the affairs of the Council or they should at least make the necessary modifications, to meet, say at least, half way.

Mr. P. Krishna Menon.—Sir, though I had not proposed to speak on this total cut motion, as I find that we are breathing a purer air to-day and see an absence of vitriolic spirit and stentorian voice as we found yesterday, I propose to put in a few words. (*Hear, hear*).

President.—I don't quite follow you, Mr. Krishna Menon.

Dr. A. G. Menon.—It is only an introduction, Sir.

Mr. P. Krishna Menon.—Let me read to you a few words uttered on a similar occasion last year:—

"I wish to let you know My earnest desire to introduce some measure of constitutional reforms".

President.—Which is the volume and page you are referring to?

Mr. P. Krishna Menon.—Page 1879 of Vol. II, Part 22.

"I wish to let you know My earnest desire to introduce some measure of constitutional reforms by which I shall be able to secure representative opinion and criticism of the public on all important matters and be able to give them facilities to represent directly to My Government any proposals they may wish to submit. The measure which I wish to introduce must be such as would give the people privileges which they do not possess now and give them a real voice. I am sure you will not appreciate any scheme which may exist purely for name's sake and which may not have any reality or substance". (*Hear, hear*).

These words were uttered nearly 17 years ago by His Highness the Ex-Raja.

President.—We shall say Ex-Maharaja.

Mr. P. Krishna Menon.—Eleven years afterwards the Legislative Council came into existence, and when it was ushered, it was specifically stated that even the power of purse is vested in them. It was said so and it was understood so, because I need not go for the quotation. The Deputy President who replied on that day specifically said that we welcome this measure all the more because it gives us a real power. Now I most respectfully beg to ask what is that privilege which we Members of this Council and through them the people at large enjoy over and above the privileges that we have before the inauguration of the Council. Without meaning any disparagement to anybody, I say the only privilege that we enjoy seems to me to be the privilege of drawing five rupees, as would be represented or assumed by the people because we are drawing

the money. We are utterly unable to do anything for the people and, therefore, it is un-earned money practically. Therefore, the criticism that we are here only for drawing the money may be a possible one. But what is the real truth? Is it because that we are wanting in anything, that we are not given the privilege, whatever that may be, which was promised? I do not mean to cast any aspersion upon any particular act, but look at the general result and see whether we are in the enjoyment of any privilege that was not ours before the inauguration of the Council. Therefore, we do not say that we want everything all at once but steady and no doubt sure progress has to be made. My Hon'ble neighbour reminds me by saying by slow degrees and more and more too.

Mr. C. A. Kunjunni Raja.—In the fulness of time.

Mr. P. Krishna Menon.—Hon'ble Members are prolific in their suggestions and phraseology. I should like to confine my remarks to true facts. All wise maxims are wise no doubt, but there is a method in using them. How is this slowness to be measured? How is this hastening to be measured? Is it according to circumstances of each particular case? If as a matter of fact we are found fit for what we have been given certainly it is time enough to consider the future step. Nobody has yet said that the work of the Council, taken as a whole, is in any way inferior to the work of any other Council, though established long long before the inauguration of this Council. Even yesterday we were reminded of the fact that the Councils which were in existence years before the inauguration of this Council have very little privileges more than we enjoy. That was the excuse put forward by an Hon'ble Member on the other side to show that we are rather hasty, perhaps according to him, in making the demands that we have made. My answer to that is that the very fact that we were given privileges at the very start which people had to reach by years shows the difference between the people to whom the Councils were created earlier and the people to whom they were created subsequently. I am reminded by my Honourable neighbour that even in our Gracious Maharaja's speech it is said that "the literacy and advancement of the people encourages me in inaugurating this institution and giving them more powers than they otherwise possess." That being the state of circumstances, is it not legitimate on our part to ask for more? If we ask for more, and if there is not the slightest gesture of response, how can we make our demands or our aspirations felt by the Government? The plenitude of the powers that we enjoy seems to be confined as was suggested by somebody yesterday to walk out. According to the imagination of that Member that is the highest remedy,

"that is, to win the battle fly from the field". That is "Non-co-operation". Different phraseology is used. For most of these my Honourable colleague is responsible.

President.—Why should you disclose the secrets?

Mr. P. Krishna Menon.—In our case we are so open-minded that we keep no secrets at all. We should not have assumed that aspect yesterday nor would we have continued that for days together. It is our sincerity that makes us adopt this policy. Of course the different details where powers can be given, in however small a degree, have been pointed out by my Hon'ble friend, the Member for Jews. I do not want to expatiate more on that. It is only to make the Government feel that we are sincere in this respect that we have come to this resolution. One fact more and I have done. Though the voting may give different results on different days, it does not matter because on the principle I can assure the Government that the majority—a substantial majority is united. (*Hear, hear*). But there may be differences in the procedure. Some may think that this is not the way to achieve the goal. Others may think that this is the only way. But though those Hon'ble friends suggest another procedure what exactly that procedure is we are not prepared to assert. Therefore in the absence of anything better I submit,.....

Mr. T. M. Krishna Menon.—That is for your party meetings.

Mr. P. Krishna Menon.—There is only one party which includes both sides—the party of the people, half represented by the Government and the other half by the direct representatives of the people.

President.—He is referring to the Progressive Party.

Mr. P. Krishna Menon.—Progressive Party is the Government's Party because they only progress and we do not make any progress. Even the orders passed on the Special Finance Committee's report show that they are the progressive party. Therefore, what I say is with regard to the ultimate goal there is no difference of opinion on the non-official side. I do not care what the result of the voting may be. With these few words I beg to support the motion.

Mr. P. Kumaran Ezhuthassan.—In further supporting the motion for the total cut under "Accounts and Finance" I wish to offer a few remarks. As was pointed out by the Hon'ble the mover of the cut motion, it is not a sense of irresponsibility that prompts us to adopt this course. As was made clear yesterday, it was our failure to see, as a result of the total cut on the General Administration last year, any response in the

way of at least a gesture as was put forward by the Hon'ble Member for Trichur, that induced the Hon'ble mover to warn the Government. That attitude of a definite majority of the non-officials is to continue from day to day. It was at that time that the Hon'ble Member for Trippunithura happened to remark that, if we continue that policy, we will be misunderstood by our constituency and it will be said that we are here coming and going every day simply to earn five rupees allowance, and that, if the constituency were consulted in the matter, they would probably not approve of the procedure that we adopt. I do not wish to say anything upon that observation of his but simply say that most of us, at least a few of us, come here at a very great sacrifice.

Mr. Thomas Manjuran.—I never denied that.

Mr. P. Kumaran Ezhuthassan.—Which sacrifice will certainly not be compensated by the drawing of five rupees.

Mr. Thomas Manjuran.—You may be sure that I meant nothing of that.

Mr. P. Kumaran Ezhuthassan.—I therefore, wish to be understood by the Government that it is not on account of the force or numerical strength that we have attempted this course. Reference was made to the Progressive Party just now, and it is not as a result of the move on the part of the Progressive Party that the present course is adopted. Each individual is given the option to vote according to his conviction, and I, therefore, wish it to be understood by the Government that it was not the result of force of strength on our side that induced us on this side to take up this attitude (*Hear, hear*). I was not a little amused when the President asked for the various items of improvement which were demanded by this House. It struck me then that the non-official side of the House has not been able in the course of these six years to make the Government understand what our needs are. If that is not the interpretation to be put upon it, I am sorry that the other interpretation will follow, namely, that the Government have not been able to understand from the open discussions in this Council as will be seen from the Proceedings that our demands have been such and such. I was further amused when I found you, Sir, very seriously taking notes categorically one after the other of the various propositions that the Hon'ble Member for Jews has brought forward.

President.—Am I wrong in taking notes? Why this insinuation? I object to this insinuation. I am always serious when I take notes.

Mr. P. Kumaran Ezhuthassan.—I withdraw the word

"serious". Then I shall say this. I saw the President taking notes of the various demands that he made one after the other without perhaps consulting others. I submit that by his enunciation of the demands he has not been able to place before the Chair all the demands that the non-officials do really want. I only wish it to be understood by the Government that all the experimenting in medicine is not a very satisfactory method,.....

Diwan Bahadur Dr. V. Verghese.—Essentially necessary.

Mr. P. Kumaran Ezhuthassan.—Experimenting upon patients is not a very satisfactory method. Still if a Doctor fails in getting the expected results after the administration of one dose, I have seen Doctors trying other doses or perhaps more doses. This year's procedure is only an attempt on the side of the non-officials to administer an extra dose just to see whether it will produce the desired effect.

Mr. V. V. Anantapadmanabha Ayyar.—Sir, we should certainly be very grateful to His Highness, our Gracious Maharaja for granting us a constitution enabling us to participate, in however small a measure, in the Government of this State. And I believe everyone in this House will agree with me in saying that we should place on record our loyalty and devotion to the Royal House in having given us an opportunity to co-operate with the Government in guiding the destinies of our land. It is now nearly five years since the inauguration of this Council, and we find our brethren in British India are trying from time to time to get further and further reforms. In our own time we have seen the Minto-Morley Reforms and the Montague-Chelmsford Reforms and now we are expecting another instalment of reforms after the Simon Commission's Report. Whatever might be the measure of reforms that is meted out to our brethren in British India we can expect that there will be a substantial instalment of reform even in British India and in spite of the substantial nature of the reforms, there is agitation for further more. There is the Independence Movement going on and my submission is that after the period of five years after the inauguration of the reforms it is high time for our State to progress further in the field. If we look at British India we shall find that our State is not at all lagging behind any part of British India in point of civilization. We have much progressed in education, literacy, and in all those things that constitute progress. Therefore it is quite essential that we should have further constitutional reforms in order that we should get greater powers in guiding our own destinies. And the instalment

of reforms that has already been granted to us by the institution of the present Legislative Council has been worked out for the last four or five years and it has been satisfactorily proved that whatever has been granted is very little indeed. In order to ensure the happiness and prosperity of the people it is essential that a further instalment of reform is absolutely necessary. In order to press this and bring it to the attention of the Government I think that this cut motion has to be carried out.

President.—Is this motion one on which non-officials are all agreed?

Dr. A. G. Menon.—Of course they have agreed to throw out the whole budget.

President.—If it is an agreed thing the official Members have nothing to say. If it is not agreed, they will try to convert some of you.

Dr. A. G. Menon.—That was the understanding yesterday. I don't know whether there is any change to-day.

President.—Please reply.

Mr. P. Krishna Pisharodi.—When I heard the Hon'ble Member for the Jews saying that the Comptroller was chiefly responsible for not having a Public Accounts Committee formed I thought I would have to make a long explanatory speech to convince him that he was entirely mistaken. But when I heard him explaining that he assumed it because it was by reading in the Gazette where the Comptroller's letter was read my task was lightened. What I have now to say is that the Comptroller's duty is to bring the rules, as they are, to the notice of the Government and where practical difficulties are seen they have also to be brought forward, and also whether the rules have been properly kept or not by others. If the Comptroller is to be blamed for doing that duty I am certainly to be blamed. To prove my statement I have only to draw the attention of the House to the previous volumes of the Council Proceedings where in the resolution moved by the Hon'ble Member for Jenmies the Finance Member has stated that he opposes the resolution "not because the Government do not sympathise with the Legislative Council for more powers of control over expenditure, not because the Government are averse to give more powers when the proper time comes but because nothing can be done immediately under the present Legislative Council Regulation and the existing constitution of the State. Again the constitution of the Government of India and the Provincial Governments differ materially from the constitution of Indian States. etc. Unless therefore our constitution is also suitably changed it is not possible to form a Public Accounts Committee of the nature referred to." That is all what the Comptroller has done

and I believe that the House will agree that he has done his duty.

Mr. A. B. Salem.—I have got a right of winding up. Sir, from the reply made by the Hon'ble Member seated opposite I heard the words Government is not averse to these demands. If Government is not averse, I ask the Hon'ble Member what provision in the constitution now granted prevents Government from accepting this request to appoint a Public Accounts Committee. What is necessary, can be done by a single stroke of the pen of the Diwan of Cochin. There is nothing in the Legislative Council Regulation, nor in the rules framed thereunder, nor in the Standing Orders preventing the Government from constituting such a committee. To say Government is not averse and the provisions of the Constitution do not allow is an absolute mistake. It is an incorrect view of the provisions of the Regulation. There is nothing preventing the Government from acceding to this request as far I can see, and the Hon'ble Member cannot convince us by saying that the Government is not averse.

Mr. K. Krishna Pisharodi.—I was speaking that the Comptroller is not averse.

Mr. A. B. Salem.—The Comptroller is not averse! If the Government is not averse, it can be done at once. You give by the right hand and take away by the left hand. You say Government is not averse but the constitution prevents us. What is the meaning? We can only say that he who is not with me is against me. That is the only thing. Here is a matter in which you could do it most gracefully without any pressure from anywhere. Why? What is this that we ask? Do we ask for anything that is wonderful, anything that is unwieldy, anything that will disturb the whole arrangements completely? What we only ask is to associate us more with the practical art of the Government? Why should we be prevented? Therefore there is an averseness on the part of the Government which we want to try to remove. Government will only move by pressure, by constant pressure, by pressure that is continued from day to day. Otherwise Government will say, no. They will say that is only a spasmodic wave and nothing more. Therefore it is, that we are going to press you from day to day here, constant agitation. In the language of Gladstone if you want anything agitate, agitate and agitate. Never leave agitation. Therefore we are going to agitate, as far as we can within the provisions inside the sphere of this House. Nothing is going to be lost by our carrying this cut or by not carrying this cut. If we carry this cut, administration will certainly go on, because

ample provisions are made to overcome the difficulties for the time being. But Government will begin to consider—‘are we to use these extraordinary powers and make these ordinary powers? If Government is made to use extraordinary powers on every occasion, then they become ordinary powers and the Government will become very small. We cannot expect qualification to become on ordinary power. That is a matter for serious consideration. Therefore the Government will know that there is terrible pressure to move in the direction that they want. One other point that I want to say is, there has been a hard charge, a charge definitely well founded or ill-founded but the charge is made that there is an illiberal interpretation whereby the powers of the Council, even as it stands at present, is restricted. There is the charge made. I am not going to sit on judgment on that. There is that charge, that even the little tiny powers that we have got, have been restricted.

President.—It is that which suggested the bifurcation.

Mr. A. B. Salem.—In the words of my Hon'ble friend, the Member for Trippunittura, I have not used such words. In his own words he said.

President.—You refer to each other.

Mr. A. B. Salem.—I am not referring. The responsible Member said the whole thing is reduced to a farce. I say the charge is made.

President.—He said it is an expensive joke.

Mr. Thomas Manjuran.—Both are right.

Mr. A. B. Salem.—There are Members who go to such length. I only press for more powers. I don't use all these strong languages. I am incapable of using all these. I want to see the country in which I am born and in which I am spending my life come to a happy state whether it will be a better land and whether better method of Government will prevail not only for my good, for my children's good, but to everybody's good. I should like to see movement taking place. I should like to show Government there is a union of forces. We are able to bend on these political matters, to unite, otherwise very divergent elements. That is a point that Government also should take note. Here is a Council composed of very very divergent elements, who have no feelings of contact and joining together by the political ferment that is going on, by the political desires, and by the political aspirations. That is a fact that the Government should take note of. Therefore it is, that we have to press this matter to a division. We have a very great trouble in coming to a conclusion by hearing so many views, there will be some difference of opinion. We have come to a decision to show a united front to the Government and for this purpose,

of course it will be felt by every Member that this is the only way of putting united pressure upon the Government. That is the only way in which we can achieve success in any matter. If we get a gesture from the other side, we want nothing more, and then it will be time to reconsider our policy. Last year we expected that. As a matter of fact, last year, this House resolved to throw off the complete budget, but on the advice of the Leader, it had to be reconsidered. Because the Leader thought that there would be gesture from the other side. If the gesture comes, what should be our position and the Hon'ble Secretary Member has been able enough to make some gesture last year. His speech had a great effect on the minds of most of the Members and we had to reconsider the policy and we waited one year to see, how the matters would move. But we cannot see and do not see that there is any gesture from the opposite side, and therefore I press this demand also to a division and hope that every non-official Member will put in this demand that pressure to see whether there will be any gesture from the opposite side.

President.—The question before the House is that the allotment of Rs. 39,656 for Accounts and Finance, Demand No. 14, be omitted.

Question put and agreed to.

Mr. T. K. Krishna Menon.—Yow have got a right to vote.

President.—The president did not exercise his personal vote in the beginning. When he said it is carried, he did not exercise his individual vote.

Mr. T. K. Krishna Menon.—I demand a poll, Sir.

The House divided: Ayes 19, Noes 18, Neutrals 4.

Ayes

- 1 Mr. I. E. Ambooken
- 2 „ V. V. Anantapadmanabha Ayyar
- 3 „ A. L. Antouy
- 4 „ K. J. Antony
- 5 „ K. Ayyappen
- 6 „ A. Eachra Menon
- 7 Dr. A. G. Menon
- 8 Mr. A. S. Harihara Ayyar
- 9 „ K. P. Kannan Nayar
- 10 „ P. Krishna Menon
- 11 „ T. K. Nayar
- 12 „ P. Kumaran Pzthuthassan
- 13 „ A. K. Kunhi Moideen
- 14 „ C. A. Kunjunni Raja

Noes

- 1 Mr. V. K. Aravindaksha Menon
- 2 „ C. Barton Wright
- 3 „ P. C. Chanchan
- 4 „ V. K. Kochunni Menon
- 5 „ S. S. Koder
- 6 „ T. K. Krishna Menon
- 7 „ T. M. Krishna Menon
- 8 „ K. Krishna Pisharodi
- 9 Rao Sahib Mr. C. Matthai
- 10 Mr. P. Nilakanta Menon
- 11 Mrs. G. Pavitran
- 12 Mr. T. V. Ramalinga Ayyar
- 13 Mr. I. Rama Menon
- 14 Rama Varmha Tampuran

15 Mr. K. Mohamed Seethi	15 Mr. K. Ramunni Menon
16 „ Ouseph P. Kundukulam	16 Mr. A. Sankara Menon
17 „ T. A. Ramachandra Ayyar	17 Dr. E. A. Veigas
18 Dr. A. R. Menon	18 Dewan Bahadur Dr. V. Verghese
19 Mr. A. B. Salem	

Neutrals

1 Mr. M. V. Chakko
2 „ C. V. Kurian
3 „ C. J. Mathew
4 „ Thomas Manjuran

President.—Power of certification has to be resorted to whether it is one or two.

Now we will proceed to the next demand.

4 XV.—Law and Justice—Rs. 1,73,917.

Mr. A. Sankara Menon.—Sir, I rise to move for an allotment of Rs. 1,73,917, the amount to be voted by the House for 1106. There is an increase of Rs. 14,847 over the allotment voted by the Council for the current year. The increase is mainly due to the recent revision of salary and travelling allowance ordered and to the reasons explained below against some of the items.

CIVIL JUSTICE.

Chief court.

The excess provision of Rs. 100 under T. A. is due to the increased rate of daily allowance and bus charge allowed to the peons by the revision.

There is an increased provision of Rs. 500 under 'purchase of books'. This is meant to equip the Chief Court Library with up-to-date books.

Munsiffs' courts.

The excess of Rs. 600 provided under T. A. is necessary owing to the increased T. A. sanctioned to the peons by the revision.

The enhanced provision of Rs. 350 under 'Purchase and repair of Furniture' is meant for the purchase of tables and chairs for the Trichur and Vadakkancheri Munsiffs' courts.

CRIMINAL JUSTICE.

There is an increased provision of Rs. 360 under 'purchase and repair of furniture'. This is meant for the purchase of almirahs, record racks, etc., for the District Magistrate's Court.

The increase under 'Miscellaneous' is mainly due to the provision for the purchase of copies of the Penal Code for the Magistrates' Courts.

Motion No. 1.

Mr. A. B. Salem.—*To omit the allotment of Rs. 1,340+67 for Legislative Assistant to Government Advocate.*

Mr. A. B. Salem.—Sir, I rise to move to omit the allotment of Rs. 1,340 plus Rs. 67 for the Legislative Assistant to the Government Advocate. I have tabled this motion for the purpose of expressing the view that is shared by many others that this is a superfluous appointment. We have a well organised Government Advocate's office and we have also a Secretary to the Legislative Council, and if lawyers are appointed to the post of the Legislative Council Secretaries, then this becomes entirely a superfluous appointment. If we make the Legislative Council Secretary a full-time officer we save in our land, the full pay of the Legislative Assistant. We have no necessity to have these two appointments distributed between a part-time officer and a full-time officer. He is also a part-time officer. Both these are part-time officers. Have one full-time officer and pay the full time officer $\frac{2}{3}$ of the pay of these two. Then we have got $\frac{1}{3}$ saving. You have got here Rs. 1,340 by way of pay. That is nearly Rs. 110 and odd and we have in the Secretary to the Legislative Council nearly Rs. 150. So Rs. 150 plus Rs. 110 is Rs. 260. We have got here two officers. Instead of that, appoint a full-time officer on Rs. 200. We save an appreciable sum plus the travelling allowance, etc., and the privilege leave allowance of the other. That also must be taken into account. If it is only a question of giving employment to two persons I cannot say anything. But if it is on a principle of doing the work, then one full-time officer would do ample justice to these two works. That is the point that I wish to urge upon the Government and also if a lawyer of not less than 10 years' standing is appointed, it will serve all purposes. Therefore I have got nothing more to say on this matter. This is only a saving proposition and I hope the House will agree to the method of saving some money for other useful purposes.

President.—Any Member wishing to speak? As soon as a Member finishes, another Member should rise up. Mr. Ramachandra Ayyar rises up. Now we have to wait some time. Is the motion standing in the name of Mr. T. A. Ramachandra Ayyar also on the same subject? If we club together, we can take the connective cut motions but not all the motions. We would not be confining ourselves to the specific points at issue. Is Mr. Ramachandra Ayyar's motion on this particular subject of the Legislative Assistant? Mr. Ramachandra Ayyar, if you want to speak on this motion of Salem, you can.

Mr. A. Sankara Menon.—There is no officer called a

Legislative Assistant. There is only an Assistant to the Government Advocate. His duties are not confined to rendering me help in preparing bills. He has to attend to work in court with which I may entrust him. My work is not confined to appearing in the Chief Court in Government cases. I have to give advice upon points referred to me. That may take up a good deal of time. I may not find time to attend to all cases especially criminal revision in the Chief Court. Then with regard to certain points where authorities have to be examined. I can ask my Assistant to do that and when all the authorities are placed in my hand, I can very easily go over them and give my opinion.

Mr. A. B. Salem.—It is not put down as Assistant to the Government Advocate in the budget.

President.—That does not alter your argument

Mr. A. Sankara Menon.—To combine the Secretary to the Council's place with the duties of the Assistant to the Government Advocate I submit, is most incongruous.

Mr. A. B. Salem.—Give a little more if you like. I think it is 100 to 150. That means it will rise to 2,000 roughly. (2,000+2,000) or Rs. 4,000 for both together. Make it 3,000. still we can save Rs. 1,000. I don't wish to press it.

The motion was, with leave, withdrawn.

Motion. No. 2.

Mr. C. J. Mathew.—*To reduce the allotment of Rs. 14,625 for establishment by Re. 1.*

Mr. C. J. Mathew.—The object in tabling this motion is to point out the delay generally caused in the matter of drafting Government bills. For instance, Sir, the tenancy matter has been the subject of long controversy and at last it was decided that the Government should bring forward a tenancy bill. Now, this bill has been in the stage of expectation for the last so many months, not to say years, and still it has not seen the light of day. When on a previous occasion it was referred to here, it was pointed out, that the Government Advocate was too busy with other things and therefore he could not find time to draft it at once. Now, Sir, when I personally asked about the matter to the Government Advocate, he said that with the Council work and the court work, his time was fully occupied and that he had hardly any moment left to look after the drafting of the bills. The Legislative Assistant, as he is improperly named in the budget, is only an assistant to the Government Advocate and his sphere of work is in the court work. He has nothing to do with drafting of the bills. He merely attends to the routine court work delegated to him. The Government Advocate should

in such a case, have the help of a Legislative Assistant in the form of a Secretary and of a small staff to look after his legislative work such as the drafting of bills, framing of rules and regulations and the like. If without such an Assistant and staff the Government Advocate finds it difficult to carry on his work connected with legislation, who is to blame? Don't you think then it is necessary that he ought to be provided with a staff. If he can do it without it, in time and without any delay, of course, it is well and good. My point is that bills, as a rule, are long delayed in the Government Advocate's Office.

Mr. A. Sankara Menon.—I deny that there was any delay in my office.

Mr. C. J. Mathew.—He says there is no delay. I say there is:

Mr. A. Sankara Menon.—There are no other bills pending in my office.

President.—Did you at any time say that there was delay on account of want of staff?

Mr. A. Sankara Menon.—No, Sir. There was no delay.

Mr. C. J. Mathew.—Can you say there was no delay in drafting the Civil Procedure Code Bill? The Civil Procedure Code Bill is not a small bill and of course it cannot be done in a day. I could understand it. But my point is it was unduly delayed. The real truth is it is well nigh impossible for one man like the Government Advocate alone to look into it and get it done in time without assistance. Of course, if the Government Advocate has also a Legislative Assistant in the sense that such Assistant is to confine his attention mainly to the drafting of bills, etc., then there would be no delay. But our Legislative Assistant's work is simply to appear before court in criminal appeals and criminal revisions. I therefore want to call the attention of the Government to see that the Assistant Government Advocate is made responsible for the drafting of bills, etc., in future if he has the time to attend to such works or if he has no time, that a separate Legislative Assistant and staff be given to the Government Advocate.

Mr. C. A. Kunjunni Raja.—A word or two about this tenancy bill will not be out of place. The Diwan promised in the budget session of 1104 that the Government will take up the question of tenancy legislation and both the Member for Trippunittura and myself were prepared to withdraw our bills on the assurance of the Diwan and Proceedings were issued on the subject early in Chingam 1105. Accordingly the Government Advocate prepared the bill without delay and if my information is correct, the bill was ready to be introduced even in the Vrischigam session of 1105. The bill was sent to the

Government, then it was returned to the Government Advocate to ascertain the views of the Member for Landholders and the Member for Trippunittura who were taking a keen interest in this tenancy matter. In order to avoid delay, it was agreed that we would not offer any detailed criticism on the bill and the Government bill would be taken as the basis for discussion and that we would give our suggestions before the Council. That was our position and the Government could have introduced the bill in either of the two subsequent meetings of the Council which were held in Kumbham and Medam. I cannot really understand the subsequent attitude of the Government in that they wanted a detailed scrutiny of the bill. Whatever scrutiny may be undertaken that will not be the final form in which the bill will leave this Council. The Government has to fix its position only after the Select Committee report. There, we are likely to get very violent amendments and it is only then that the Government need spend any time at all for scrutiny. To have accepted the draft bill as the basis for preliminary discussion and to come to the Council on that basis most workable programme. Now, there may be discussion between the Government Advocate, the Diwan Peishkar, the Diwan and the Sirkar Vakil of the Anjikaimal Court on the draft Government bill. Whatever may be their conclusions, I am sure that will not be the final shape and the Government will have to spend more time after the Select Committee report to fix their position on the report and the several amendments of which notice will be given. So to avoid delay the Government could have introduced that draft bill as a preliminary measure. The purport of the motion seems to be to draw the attention of the Government to this delay. Since I am in possession of these facts I make bold to say that the delay lies elsewhere.

Mr. A. Sankara Menon.—As regards the tenancy regulation, it was explained the other day why it was not introduced till now. I don't think any further elucidation is required. With regard to the other matter, I fear that a remark of mine was misunderstood by the Hon'ble Member. When the Civil Procedure Code bill came up for consideration I wanted that the bill should not be passed then, so that I may look into it once again. That is a very big enactment and I wanted to be sure that there was not the slightest mistake in it. As matters now stand, I do not require an extra assistant to look to legislative work. I have already an Assistant. If I ask him to attend to legislative work he is bound to do so.

President.—Do you mean to say that he has not sufficient time to attend to it?

Mr. A. Sankara Menon.—I had even the Civil Procedure Code Bill examined by my Assistant. But I wanted to be sure that there was no mistake in it and desired to scrutinise it personally.

President.—I suppose there is no objection to ask your Assistant to help you.

Mr. A. Sankara Menon.—Of course I can ask him to do so and he is bound to comply.

Mr. C. J. Mathew.—I don't want to press the motion.

The motion was, with leave, withdrawn.

Motion No. 3.

Mr. K. Mohammed Seethi.—*To reduce the allotment of Rs. 11,96.1 for establishment by Re. 1.*

Mr. K. Mohammed Seethi.—Sir, this cut is intended to bring to the notice of the Government the great hardship experienced by Muslims who have to appear in courts as parties and as witnesses and also Muslim vakils in the matter of the performance of their Friday prayers.

President.—It is only on Fridays.

Mr. K. Mohammed Seethi.—And also to request the Government to give an interval of two hours between 12 and 2 p. m. to those who are employed in the judiciary.

President.—You want the Government to do that. Suppose you say this is my prayer time. Is there any difficulty on the point?

Mr. K. Mohammed Seethi.—I shall just explain my position. You will remember Sir, that at the first Legislative Council there was a resolution standing in the name of the Member for Muslims requesting Government that Friday may be declared a special holiday for Muslims. That resolution was discussed in this Council and since some practical difficulties were pointed out by the Government Members in accepting it and since an assurance was given that the convenience of Muslims on Fridays would be safe-guarded by the Government the Member withdrew the resolution.

President.—Now, we have allowed time between 1 and 2.

Mr. K. Mohammed Seethi.—Between 1 and 2, Government officials are exempted from attending offices. There are certain places where the mosques are far away from the public offices and if these Government officials leave the offices at 1 o'clock they hardly find time to make the necessary preparations to go to the mosque. By the time they reach the mosque the prayers would be over and they thus lose the opportunity of joining the prayer. This difficulty arises at times even in Ernakulam where the mosque is not far away from the offices.

President.—Now, the time is between 1 and 2. And what time do you suggest?

Mr. K. Mohammed Seethi.—Between 12 and 2.

President.—Is there any order on the subject? What objection is there to make it between 12 and 2?

Rama Varmha Tampuran.—No objection, Sir.

President.—Then we shall do it.

Mr. K. Mohammed Seethi.—The next point is that Muslim witnesses and parties might be exempted from attendance in courts on Fridays.

President.—Fully?

Mr. K. Mohammed Seethi.—Yes, Sir.

President.—You say that the prayer time is between 12 and 2. Why should they be exempted the whole day?

Mr. K. Mohamed Seethi.—The difficulty is this, Sir. People coming from distant parts will find it difficult to attend to their court work and attend the prayers on Fridays. They will have to come sufficiently early to the vakil which makes it impossible for them to attend their local mosques and there would be great practical inconvenience when cases are taken up. Suppose a case is taken up at about 12 o'clock or so, and it is a long case to get through. The parties will have to be present and instruct the vakils. They cannot go away and attend to the prayer and then come back. Suppose a witness is put into the box and in the course of the examination the prayer time comes, he cannot leave the witness box and attend to prayer. From my short professional experience I have come across such difficulties. Vakils also experience similar difficulties. I had sent up a resolution on this subject, but it did not come up because it was crowded out.

President.—If you had sent it up this time, you would have succeeded. Only four this time.

Mr. K. Mohammed Seethi.—My resolution recommended to the Government that cases in which Muslims are involved as parties or witnesses or otherwise should not be posted to Fridays. That was the recommendation I made in that resolution.

മിസ്റ്റർ എ. കെ. കുഞ്ഞുമൊയ്തീൻ.—സർ, മതകാര്യങ്ങളിൽ മുസ്ലീങ്ങൾ വലിയ നഷ്ടബുദ്ധമുള്ളവരാണെന്ന സംഗതി ഏവരും സമ്മതിക്കുന്നതാണ്. മറ്റുള്ളവരും അങ്ങനെയല്ലായ്ക. ഇപ്പോൾ ഞങ്ങളുടെ കാര്യത്തെയാണ് പറയുന്നത്. ഗവണ്മെന്റിനും പൊതുജനങ്ങൾക്കും വാഷമവും ബുദ്ധിമുട്ടും ഉണ്ടായേക്കാവുന്ന ഒരു സംഗതിയാകയാലാണ് വെള്ളിയാഴ്ച ഒരു ഒഴിവുദിവസമാക്കി തിരഞ്ഞെടുക്കണമെന്നു ഞങ്ങൾ അഭ്യർത്ഥിക്കാതീരിക്കുന്നത്. വെള്ളിയാഴ്ച ഞങ്ങളെ കരുതി ഒഴിവുദിവസമാക്കിയാൽ കാരോസമുദായക്കാരുടെയും

അവർക്കു മതപ്രാധാന്യമുള്ള ദിവസങ്ങളെല്ലാം ഒഴിവാക്കികിട്ടുന്നതിന്നു വാദിച്ചുതുടങ്ങും. അങ്ങിനെയാവാൽ ഗവണ്മെൻറു വല്ലാതെ വാഷമത്തലാകും. അതുകൊണ്ടാണ് ഞങ്ങൾ അങ്ങിനെ യൊരു അപേക്ഷ പുറപ്പെടുവിക്കാതിരിക്കുന്നത്. കോടതിയിൽ വെള്ളിയാഴ്ച കെയ്സ്സുവെച്ചാൽ വക്കീലന്മാർക്കും, സാക്ഷികൾക്കും കഷ്ടകരം ഹാജരാകാതെ നിലുത്തിയില്ല. ഹാജരായല്ലെങ്കിൽ നിയമാനുസരണമായ ശിക്ഷയും ഉപദ്രവങ്ങൾക്കും അവർ വിധേയരാകേണ്ടിവരും. അവർ വിശ്വസിക്കുന്ന മതത്തിനു വിധേയരായല്ലെങ്കിൽ അവർ ദൈവകോപത്തിനു പാത്രവാന്മാരായിത്തീരുന്നു. ഇങ്ങിനെ ജനങ്ങൾ രണ്ടു വശങ്ങളിലും സഹിക്കുവാനാത്തവസ്ഥയിൽ കഷ്ടപ്പെടുകയാണ്. ഈ അവസരത്തിൽ ഗവണ്മെൻറു ഇതിൽ ഇടപെട്ടു ജനങ്ങളുടെ സങ്കടത്തെ തീർക്കേണ്ടതാണ്. ഈ അപേക്ഷ മതസ്ഥാതന്ത്രത്തിനുവേണ്ടിയാണെന്നു വാശപ്പെച്ചുപറയേണ്ടതല്ലല്ലോ. വെള്ളിയാഴ്ചയായതുകൊണ്ടാണ് കോടതിയിൽ ഹാജരാകാത്തതെന്നു പറഞ്ഞാൽ ന്യായാധിപൻ സമ്മതിക്കുകയല്ല. അതുകൊണ്ടു മുസ്ലീങ്ങൾക്കു മാത്രം അവരുടെ മതസ്ഥാതന്ത്രത്തിനുവേണ്ടി വെള്ളിയാഴ്ചദിവസം ഒഴിവുനല്കണമെന്നു ഉൽബോധിച്ചിട്ടുകൊണ്ടു ഞാൻ ഈ ഉപേക്ഷപത്തെ പിന്നാക്കുന്നു.

Mr. A. Sankara Menon.—Sir, I oppose the motion to have the whole of Friday is a special holiday for Muslims. So far as my knowledge goes, the judges were always indulgent enough to allow Muhammadan witnesses or parties sufficient time for their prayers. There was no instance, so far as I am aware in which the court refused such a request. I have no objection to some particular time being fixed during which they need not attend the court. If it is between 12 and 2 p. m. there may not be any objection. But to say that all cases in which a Muhammadan figures as a party or as a witness should not be posted to Friday, is going too far and is unreasonable. If the courts are not indulgent enough in the matter, I can understand that there is some reason for interference. But as it is I don't think that there is any hardship felt by my Muhammadan witnesses or parties.

Mr. K. Mohammed Seethi.—I made a qualified request that if Friday cannot be made a special holiday for Muslims and if cases in which Muslims are figuring as parties or witnesses cannot be excluded from those posted to Friday, Muslims may be exempted from attendance on that day. That would not cause any inconvenience to courts. I may say in this connection that on Saturdays no case with which a Jew is connected as a witness or as a party is posted and where is the difficulty to extend that practice to Muslims also in the matter of Fridays.

President.—Jewish cases are not posted to Saturdays.

Mr. K. Mohamed Seethi.—If that practice is extended to Muslims also in the case of Fridays, there is no difficulty.

Mr. V. Achyuta Menon.—So far as the witnesses are concerned, he may be a joint witness and it may not be possible to exempt him.

Mr. A. Sankara Menon.—There is a difference between Saturdays and Fridays. Saturday is Sabbath day and Friday, the prayer day. There is no objection for the Muhammadans to carry on business on that day. Only they should say their prayers at a particular time.

Mr. K. Mohamed Seethi.—I referred to Saturday only to show that no serious inconvenience would be caused to law courts from a similar practice in the case of Jews and not to argue that the conception of Friday by Muslims is the same as that of Saturday by the Jews.

Dr. A. R. Menon.—What are the Judges in the Madras High Court doing? Do they observe a holiday? There are Muhammadan Judges in the various High Courts. I don't know whether they are given holidays.

President.—Now, there is a Presidency Magistrate at Madras who is a Muhammadan. He sits up on Fridays. There was a Muhammadan Judge in the Madras High Court.

Mr. K. Mohamed Seethi.—That is not my point, Sir.

President.—The point is, is it absolutely necessary because all the Muslims may go to the prayer, but that need not interfere with the court work.

Mr. K. Mohamed Seethi.—With regard to the indulgence of the Judges I have nothing to say by way of contradiction. But that indulgence could not be of any avail. It may be said that some time is given to Muslims for their Friday prayer, but they are not really able to avail themselves of it for several reasons. And in the case of people who have to come from distant places, the inconvenience is most seriously felt. There is some indulgence in theory but experience is quite otherwise.

President.—Are you going to press this motion to a division?

Mr. K. Mohamed Seethi.—If the Government will consider this inconvenience of the Muslims in this respect, I have no desire to press the cut.

President.—For officers, I say, they will have time between 12 and 2. For the other thing I do not know how far it is practicable. Still I cannot make any commitment on that subject.

Mr. K. Mohamed Seethi.—I may bring it to the notice of this House that in Travancore they are given a special half-

holiday up to 2 o' clock. If that may be done here also I think Muslims will be satisfied for the time being.

President.—We shall see whether there is any difficulty in complying with your request.

• **Mr. K. Mohamed Seethi.**—As I said it is being done in Travancore.

President.—Anyhow, you need not be keen in pressing the matter.

The motion was with leave, withdrawn.

Motion No. 4.

3. MUNSIFFS' COURTS ESTABLISHMENT

Mr. K. Mohamed Seethi.—*To reduce the allotment of Rs. 30,542 for Munsiffs' Courts establishment by 1 rupee.*

Mr. K. Mohamed Seethi.—This is to draw the attention of the Government to the unsatisfactory seating accommodation that we have in the Munsiffs' Courts.

President.—Is it at Ernakulam?

Mr. K. Mohamed Seethi.—All the Munsiffs' Courts, the Cochin Munsiff's Court included.

President.—The Additional District Court of Anjikaimal also. But are you going to speak about the additional courts also?

Mr. K. Mohamed Seethi.—I include all Munsiffs' Courts where there is no sufficient accommodation for parties and vakils.

President.—So that we have got accommodation for all purposes. I think, if you refer to Mr. Matthai, every year he will ask for additional accommodation for pupils. Even though he does not succeed again he will put forward next year. For example, he was telling me that the accommodation in the Ernakulam Girls' School was not sufficient, until we thought of giving them sufficient accommodation. The next year a new building was constructed.

Mr. K. Mohamed Seethi.—But that might be with regard to the students who seek admission to the various schools. But my grievance is that parties and vakils enrolled already there is no sufficient accommodation in courts. But for the courtesy of those who may be occupying seats in these courts, the others will have to be standing for a very long time waiting for their turn.

President.—I believe your object is to draw the attention of the Government to this, not with the object of putting this to vote.

Mr. K. Mohamed Seethi.—Quite so, Sir.

The Motion was considered withdrawn.

The House rose for lunch at 2 p. m. and met again at 3 p. m. with the Deputy President in the Chair.

Motion No. 5.

Mr. A. L. Antony.—*To reduce the allotment of Rs. 1,100 for purchase and repair of furniture by Re. 1.*

Mr. A. L. Antony.—Sir, the purpose of tabling this motion is to bring to the notice of the Government the urgent necessity of a vakil's room in the Irinjalakuda Munsiff's Court. The Civil Court as well as the Magistrate's Court are situated in the same building, and when vakils have no engagement, they are to sit either along with the clerks or stand along with the clients in the court. There is not even a tiffin room where vakils can have their tiffin. There is not a convenient place for urination and other purposes. We have to go to the courts at 11 o'clock and can return only at 5. Very great inconvenience is felt by the vakils as well as the litigant public. When the present Diwan was the Chief Justice, he inspected the Irinjalakuda Munsiff's Court, and he has recommended that a vakil's room is absolutely necessary. It has also been recommended by the Munsiff and representations have also been made by the vakils. So I want to draw the attention of the Government that it is high time that we are waiting for the promise, which the Government has made, to be carried out. It is better for the litigant population and the vakils to have a small room. One small room will be enough for the vakil's use. I don't press the motion.

The motion was, with leave, withdrawn.

Motion No. 6.

Mr. P. Kumaran Ezhuthassan.—*To reduce the total allotment of Rs. 59,636 under Demand No. XV-B (3) by Re. 1.*

Mr. P. Kumaran Ezhuthassan.—Sir, I have tabled this motion to bring home to the Government the desirability of exempting the unpassed hands in the service from the operation of the Standing Order which is now against them. After passing orders on the Special Finance Committee's Report a circular had been issued that in the matter of unpassed hands in all departments they are exempted as far as the present appointments they held are concerned. That is not quite sufficient. These are persons who have entered Government service with the hope that they would be able to get a promotion that is given to others also. I do not think that they should be brought to the top-most. That is not my view. At least in the lowest grade of clerks, that is Rs. 25—40, at least to that grade they must be exempted to come up to the top of that grade. To

press home to the Government that matter I have tabled this motion.

Deputy President.—All clerks to be exempted?

Mr. P. Kumaran Ezhuthassan.—They may be allowed to rise up to Rs. 25—40.

Dr. A. R. Menon.—Suppose the Special Finance Committee's Report was not submitted, what would have been their scale? To what post could they rise? According to the old rules to what scale could they aspire to rise? The point is this. There is a good deal of grievance that it is due to the Special Finance Committee's Report that they have to suffer.

Rama Varmha Tampuran.—Unless exempted, the rule is that they can rise up to Rs. 20. Unpassed hands can rise to Rs. 20 unless exempted. Even for passed hands there are some special tests for some special posts. They are required to pass these tests. Unless they are exempted from passing these tests, they also cannot rise to higher posts.

Mr. P. Kumaran Ezhuthassan.—Sir, I shall just read the Standing Order No. 1.

"Subject to the exceptions in Order No. 2, no persons shall be eligible for appointment to any post in the superior service, the sanctioned pay of which exceeds Rs. 20 per mensem, unless he has obtained a completed Secondary School Leaving Certificate, issued under the authority of the Government or the Travancore School Leaving Certificate or has passed the Madras Upper Secondary Examination, with English as his first Language, or the Matriculation Examination of the Madras University or some other examination accepted as equivalent by Government, or any higher examination. The Government, may from time to time, makes rules laying down departmental tests for any class of appointments in addition to or in lieu of the general qualifications above prescribed".

On this Standing Order No. 1 a circular has been recently issued that persons holding posts on the date of the passing of the order—they are exempted to hold these posts. My prayer is that others may also be exempted. What I aim at by the cut motion is that they may be given general exemption. I do not want to press this cut.

The motion was, with leave, withdrawn.

Motion No. 7.

Mr. C. A. Kunjunni Raja.—*To reduce the allotment of Rs. 59,636 under Demand No. XV-B (3) by Re. 1.*

Mr. C. A. Kunjunni Raja.—Sir, my cut motion is to bring to the notice of the Government that the period of vacation to the Munsiffs' Courts—I mean the Summer vacation be extended by two weeks more. The hottest part of the year in our State is from 15th Meenam to 15th Edavam. The District Courts and the Chief Court get a vacation of 8 weeks but the Munsiffs'

Courts get a vacation of only 6 weeks. This matter was brought to the notice of the Chief Court by a letter addressed by one of the District Munsiffs and the reasons are very clearly stated in that letter. A reading of that letter will be very instructive and all the arguments are assembled there. In answer to a question in this Council the letter is printed as an appendix.

"All the offices entitled to vacation are given a period of two months for the mid-summer vacation with the single exception of the Munsiffs' Courts which are given only 6 weeks. The disabilities of being vacationed officers are the same and it cannot be said that the work of the Munsiffs and subordinates in the said courts are in any way lighter or less tedious or onerous than in the other offices. I would even go the length of asserting that we are more heavily worked than all the other officers excepting probably the District Judges who, with us, are obliged to do home work besides the 5 hours or 5 1/2 hours of work in courts.

The District Judges and the Munsiffs are treated on an equal footing in all respects except with regard to the subordination of the latter to the former and there is no conceivable reasons for making this invidious distinction between the two courts in the matter of the vacation alone. The litigants cannot in any way be prejudiced by the alteration and the Vakils will certainly be saved a lot of inconvenience thereby. The nature of the work, the climatic condition, etc., are the same and even if there were any justification in times of yore which we are at a loss to appreciate at present, it has long ago ceased to exist in reason or principle and there is no ground whatever to perpetuate this inequality, hardship and injustice except on the ground of a *Mamool*. I may also be permitted to bring to your Honour's kind notice that to the best of my information previously there was some difference between the District Courts and the Chief Court in this matter which was taken away at some past period probably on the same grounds. Meenam and Medam are the hottest parts of the year in Cochin and the Munsiffs are also to be given rest from their hard work during the period in question.

It is true in British India this distinction is preserved even today but, I presume, the origin of the said distinction and its perpetuation are probably due to the fact that the majority of the Judges in the High Courts and the District Courts are Europeans who want to enjoy the privilege of a longer vacation in cool climates. Even such a distinction is not applicable in this State.

I, therefore, pray that the Judges may be pleased to favourably consider this matter and to redress my grievances at an early date."

A question was put by me and in the answer it is stated that the reply of the Chief Court being confidential cannot be published. I do not know what is contained in it. There may be something which may be uncomplimentary in it. To my question whether there is any objection to extend the period of such vacation, the answer given is "In British India and Travancore the same distinction as to vacation between the District Courts and Munsiffs' courts is observed. In the opinion of the Judges there is no sufficient ground for deviating from the existing practice." So far as the Government is concerned we do not know what is their view. The answer given is that the Judges are not in favour. We have to see why this privilege should not be extended. In

British India the penultimate Saturday of every month is a holiday. That will come to more than ten days a year. There is no such holiday in Cochin. So if two weeks more are granted the period of work will not suffer in any way. If the objection is that the quantity of work is heavier, so far as my experience is concerned, I can speak with some personal experience in this matter, that there is no sitting for a full day in any of the Munsiffs' Courts here.

Mr. K. P. Kannan Nayar.—Still they want more vacation? The vacation period is to be extended.

Mr. C. A. Kunjunni Raja.—That is only vacation every day. But vacation is wanted for a continuous period. I would like to know the views of the Government in this matter.

Rama Varmha Tampuran.—Government agree with the views of the Judges that there is no necessity to extend the vacation.

Mr. A. Sankara Menon.—Sir, I wish to contribute a word. Most of the suits are filed in the Munsiffs' courts, and if the vacation is to be extended, the public will suffer on that account.

Dr. A. R. Menon.—Sir, the junior lawyers will also suffer, to a very great extent. Even now the lawyers find it very difficult to get briefs. They are put to great difficulties for two months and you want to put them to greater difficulties. I think my Hon'ble friend has brought this cut motion only for a joke. The majority of his colleagues are not for the extension of the vacation, for they will suffer.

The motion was, with leave, withdrawn.

Motion No. 8.

Mr. K. J. Antony.—*To reduce the total allotment of Rs. 2,08,789 under Demand No. XV by Re. 1.*

The motion was not moved and hence it was considered withdrawn.

Motion No. 9.

Mr. A. Eachara Menon.—*To reduce the allotment of Rs. 1,35,061 for Civil Justice by Re. 1.*

The motion was not moved and hence it was considered withdrawn.

Motion No. 10.

Mr. P. Krishna Menon.—*To reduce the allotment of Rs. 1,35,061 for Civil Justice by Re. 1.*

Mr. P. Krishna Menon.—Sir, that motion is tabled for the purpose of calling the attention of the Government to the working of the Official Receiver's Department. I need not go in detail over the system of working. The points that I wish

to emphasise are but two and the most important of them is that there is no check upon the working of this department in any sense of the term. Large amounts of money are realised and disbursed, and it is no news to anybody to say that the commission allowed to the Receiver will depend upon the amount of money received. Whether all the monies that come into the hands of Receivers are monies realised which entitle them to a five per cent commission is a question of considerable doubt and considerable importance, and there is no authority, so far as I know, to decide this point except the Official Receiver himself.

Mr. T. M. Krishna Menon.—District Judge.

Mr. K. P. Kannan Nayar.—You are wrong. (*Turning to Mr. P. Krishna Menon.*)

Mr. T. M. Krishna Menon.—There are rules framed.

Mr. P. Krishna Menon.—So far as my knowledge goes, there is no rule. Now the only check is the half-yearly audit.

Mr. K. P. Kannan Nayar.—That matter is *sub-judice*. There is a petition pending before the District Judge in this matter. Whether it is the Official Receiver or the court that should decide that matter of 5 per cent commission is a matter *sub-judice*.

Mr. T. M. Krishna Menon.—There is a rule. There are some doubts raised as to whether it should be on the gross receipts or the net receipts.

Mr. P. Krishna Menon.—If it is a question of average to be struck on individual items, that is not the point I wish to emphasise. I shall give a concrete example. Suppose an amount of money is deposited in one of the courts. Now the Official Receiver takes the money from that court and deposits it under the particular insolvency petition in the District Court. My question is whether that will entitle him to get a commission.

Mr. T. M. Krishna Menon.—Is it not a matter for the Chief Court to decide?

Mr. K. P. Kannan Nayar.—The very matter is *sub-judice*. This matter is pending in the court.

Mr. P. Krishna Menon.—Is this matter *sub-judice*? Then I or you have not understood the meaning of *sub-judice*.

Mr. K. P. Kannan Nayar.—This very question is pending in the District Court. A certain amount of money has been lying in a court and that money has been drawn by the Receiver. The question has risen whether the Receiver is entitled to commission on any such money or not. If this matter is not *sub-judice* I cannot understand what is *sub-judice*.

Deputy President.—There are rules on this subject.

Mr. P. Krishna Menon.—If there are rules which will decide the question by competent authorities, I have no quarrel. What I say is so far as I know there are no rules. No doubt there is a provision for a half-yearly audit. Though there is supervision by the Chief Court, that supervision is limited to particular questions. Since it is a controversial matter, I do not want to press it.

The motion was, with leave, withdrawn.

Motion No. 11.

Mr. P. Kumaran Ezhuthassan.—*To reduce the total allotment of Rs. 2,08,789 under Demand No. XV-B by Re. 1.*

Mr. P. Kumaran Ezhuthassan.—Sir, it is tabled with a view to press upon the desirability of appointing judicial officers direct from the Bar. In our magistracy as well as Munsiffs we have now a very high percentage of gentlemen who are drafted on from the services. Those who have anything to do with law will bear testimony to my statement that those persons, that is, persons who have anything to do with law, experience very great difficulty in conducting cases before persons who are drafted on from the services. There is a marked difference seen between the attitude taken up by gentlemen drafted on from the services and those recruited from the Bar. It will be rather unpleasant to dilate upon those difficulties and therefore, I refrain from doing so. I will only press upon the Government for fixing at least a good percentage of such appointments to be filled up by gentlemen who have a few years' experience at the Bar.

Motion No. 16.

Mr. E. Ikkanda Wariar.—*To reduce the total allotment of Rs. 1,73,917 under Demand No. XV by Re. 1.*

Mr. E. Ikkanda Wariar.—Motion 16 is for the same purpose. I support all that has been said by my Hon'ble predecessor. I think the Government has accepted the principle of this motion. But my complaint is that the Government has not been consistently following it. I only request that the Government will be pleased to follow the principle which they have accepted.

Mr. C. J. Mathew.—In this connection I also wish to put in a word in support of the motion. It may be interesting for the Government to know that lately in the Madras High Court when the post of a Judge fell vacant, the Advocates' Association waited in deputation on the Governor and requested for a representative of the Bar to be elevated to the Bench. So also here, our Bar Association went in a deputation to the Diwan the other day and waited on him to represent the grievances of the Bar and

to point out how they are completely neglected. I think, Sir, as the mover himself pointed out, it is a great injustice done to the members of the Bar that their claim for recruitment to the magistracy, and as munsiffs and judges are totally overlooked these days. On the other hand, only men who have already entered service as clerks or head clerks that are now promoted as magistrates. I think it is a thing which ought to be seriously looked into and justice done to the members of the Bar.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—ബാറിൽനിന്നും ജഡ്ജമാരെ എടുക്കണമെന്നു പറയുന്നവർ ഉദ്ദേശിച്ചിട്ടുണ്ടെന്നും ന്യായം ആ വാദത്തിൽ ഉണ്ടെന്നുതന്നെല്ല. ഒന്നാമതായ് ബാറിൽ അധികകാലം തോലിച്ചിരുന്നവർ വക്കീൽ കേസുകളുടെ റോൾ സൈഡ് പാടിയിട്ടു വാദിച്ചു അയാൾക്കു ഒരു ജഡ്ജമാക്കാനുള്ള ബാലൻസ് അഫ്ഫൈഡ് ചെയ്തുകൊടുത്തുവെങ്കിലും ഇവിടെയുള്ളവരിൽ വളരെപ്പേർ ബാറിൽ അംഗങ്ങളായതുകൊണ്ടും ഞാൻ വക്കീലല്ലാത്തതുകൊണ്ടും ഞാൻ പറയുന്ന തത്വത്തിന് നിലനില്പില്ലെന്നു വന്നേക്കാം. മഹാത്മാഗാന്ധികുടി, സത്യത്തിനായി ജീവതം മുഴുവൻ ഉഴിഞ്ഞിട്ടു നിൽക്കുന്ന അദ്ദേഹം തന്നെ വളരെക്കാലം വക്കീലായിരുന്നതുകൊണ്ടായിരിക്കണം ചിലപ്പോൾ ചില സൂത്രവാക്യങ്ങളിൽ കൂടി വാദങ്ങൾ നയിക്കുന്നത്. ഒരു വക്കീൽ ബാറിൽ പ്രവേശിച്ചു ഈ ശീലം പഠിക്കുന്നതന്നു മുമ്പ് ബെഞ്ചിൽ സ്ഥലം കൊടുത്താൽ തരക്കേടില്ല. അധിക കാലം ബാറിൽ ഇരുന്നു ഈ ശീലം വന്നിട്ടുള്ള ഒരാൾക്കു കൊടുക്കുന്നത് ഈ വക്കീലന്മാരെല്ലാം പറഞ്ഞതുപോലെ തന്നെ ഗുണകരമാകുമൊ എന്നു എനിക്ക് സംശയമുണ്ട്.

വേറൊരു കാര്യം; രാഷ്ട്രീയ അന്തരീക്ഷം ശുദ്ധമാകണമെങ്കിൽ ബാറിൽനിന്നും ജഡ്ജമാരെ എടുക്കുന്ന സമ്പ്രദായത്തിന് ഒരു പ്രതിബന്ധം വയ്ക്കണം. ധാരാളം സ്വാതന്ത്ര്യമുള്ള വക്കീലന്മാർ രാഷ്ട്രീയരംഗത്തിൽ പല കഴപ്പങ്ങൾ ഉണ്ടാക്കി, അവരിടനിന്നും ഈ കഴപ്പങ്ങളെല്ലാം ഉദ്യോഗത്തിലേക്കു കടന്നുപോകാനുള്ള ചവിട്ടുപടിയായി ഉപയോഗിക്കുന്നതുകൊണ്ട് (*Hear, hear*) പല സ്ഥലങ്ങളിലും രാഷ്ട്രീയവാദങ്ങൾ മലിനമായിത്തീരുന്നുണ്ട്. (*Hear, hear*) ഈ രണ്ടു പ്രധാനമായ സംഗതികളിൽ ഒന്ന് മനശ്ശാസ്ത്രതത്വത്തിൽ നിന്നുകൊണ്ട് ആലോചിക്കേണ്ടതും മറേ തുറന്നുവെക്കേണ്ടതും മുൻനിർത്തി ആലോചിക്കേണ്ടതുമാണ്. ഈ രണ്ടു സംഗതികളിൽ നിന്നുകൊണ്ടുനോക്കിയാൽ വക്കീലന്മാർക്കു ജഡ്ജസ്ഥാനം കൊടുക്കുന്നത് സൂക്ഷിക്കേണ്ടതാണ്. ഇതു ഒരു സംശയംമാത്രമായാണു ഞാൻ പറയുന്നത്.

Motion No. 18.

Mr. K. P. Kannan Nayar.—*To reduce the total allotment of Rs. 1,73,917 under Demand No. XV by Re 1.*

Mr. K. P. Kannan Nayar.—I have tabled a similar motion. The two cuts are numbers 17 and 18. One relates directly to this matter, so that I shall avail myself of this opportunity.

Mr. T. K. Krishna Menon.—Motion No. 18 alone relates to this.

Mr. K. P. Kannan Nayar.—My object in tabling this token motion is to draw the serious attention of the Government with regard to the highly unsatisfactory state of affairs regarding the administration of law and justice in the State. I am constrained to remark that this department has reached the lowest level of inefficiency to which it could be brought by any administration.

Every administration which makes any pretention to call itself civilised can be judged solely by the efficiency, independence and impartiality of its tribunals of justice. Law is no respecter of persons and the rights of citizens of any country as regards their person and property have to be scrupulously protected by the judges. Where the judges are absolutely independent of the executive there its people are safe. It should be the aim of any State to promote this state of affairs. Next to judges, lawyers are the people who have to protect the rights of the people of any country. Unfortunately so far as that is concerned I also happen to be a member of that profession. I may not quite agree with the Hon'ble Member for Ezhuvass South. There is thus an intimate connection between the function of lawyers and judges and that is why every civilised administration takes care to recruit its higher and highest tribunals by taking in a sufficient number of competent lawyers. Every tribunal where this element is wanting does not conduce to inspire confidence in the minds of the public at large and administration of justice naturally suffers not only in its prestige but in its efficiency and independence.

Law is also a progressive science and you can expect only lawyers to be fully conversant with current legal literature. If your highest tribunal is only an enlarged edition of Magistrates or Munsiffs you cannot expect them to come up to the mark. It is highly regrettable that this aspect of the matter has never been kept in view in making appointments to the judicial service. To-day's Excise Commissioner is to-morrow's Judge of the highest court in the land and yesterday's Judge of the Chief

Court is to-day's Diwan Peishkar. However expedient this sort of changes may be in the opinion of the Government. I must certainly say that it is not conducive to the proper administration of justice. Let me, therefore, tell you that efficiency and independence should be your primary consideration, and if, without seriously sacrificing these things, you can satisfy communal representation also. I really cannot understand why you should unnecessarily give rooms for complaints from certain communities that their claims are being ignored.

Let me add one word more in this matter. The Chief Secretary to the Government was saying the other day that the present arrangements in the Chief Court are only acting. Probably he meant that the Government was considering whether the present arrangements themselves should be confirmed or whether any change is not necessary. This sort of "hasten slowly" policy was severely criticised the other day by the Hon'ble Member for Trippunittura and very rightly too. The Government was fully aware that a permanent vacancy would be created in the Chief Court even two months prior to the date of retirement of Mr. Vurghese. The public of Cochin was giving out its views through the public press and the lawyers of the land were expressing their views in the matter. If in spite of all these things, could not the Government come to any decision in the matter? Curiously enough before the matter is settled we hear of creating a temporary Additional Judge's place in Ernakulam as the work of the District Court at Ernakulum is becoming heavy in spite of two Judges already working there. Supposing there is real necessity for such an appointment why not you take up that question after you decide the matter once for all so far as the Chief Court Judges are concerned. What I mean is this. Suppose you come to the conclusion that you should not confirm the present arrangements (as I suppose you are in fairness to the claims of the bar bound to do), then one of the Judges will have to revert to his old place and the present Additional Judge of the District Court will have no place there or in Trichur as you have already abolished that court, presumably because there is no necessity for it. In that case why should you seriously take up the question of creating a temporary post now?

Again, do you seriously think, that, unless you choose the right men, you will ultimately succeed in lightening the heavy files of our courts by temporary makeshift arrangements like these? I certainly doubt it.

I may honestly tell you that this sort of makeshift arrangements is highly unsatisfactory to all concerned, to the litigant public, to the appointees and to everyone else. In fact your policy regarding the administration of law and justice certainly requires a thorough overhauling.

മിസ്റ്റർ ടി. കെ. നായർ.—ബാറിൽനിന്നും ബെഞ്ചിലേക്കു ആളുകളെ എടുക്കുന്നത് കുറെ തെറ്റായ രീതിയാണെന്നു തെക്കേതൃവ മെമ്പർ പറയുന്നു.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—തെറ്റെന്നല്ല, ഒരു സംശയം.

മിസ്റ്റർ ടി. കെ. നായർ.—അതുതന്നെയാണു് ഞാനും പറയാൻ പോകുന്നത്. വക്കീലന്മാർക്കു കുറെ അധികപഴക്കംചെന്നാൽ ലോകത്താലെ സർവ്വസൂത്രങ്ങളും മനസ്സിലായിപ്പോയും. ജഡ്ജിസ്ഥാനത്തരികേണ്ടതു് അത്രവളരെ വലിയ കളവുകൾ പഠിച്ചവരാകാൻ പാടില്ല. ഇതാണല്ലോ മാനുവേലുടെ വാദം. ഇത്രവളരെ കളവുപഠിച്ചിട്ടുള്ള വക്കീൽമാരുടെ പ്രസംഗങ്ങൾ കേട്ടു് അതിന്നു് ഒരു തീർപ്പു കല്പിക്കാൻ അവരേക്കാൾ കള്ളനായ ഒരാൾ വേണ്ടതാണെന്നാണു് എന്റെ അഭിപ്രായം. അല്ലാതെ ഇപ്പോൾ പാസ്സായിവരുന്ന ഒരാളെ ഈ ജോലിക്കു നിയമിക്കുന്നത് തെറ്റാണു്. കോടതിയുടെ അന്ത്യസ്ഥിതി ഇല്ലാതാക്കുന്ന ഈ പതാവു പാടില്ലെന്നു ഗവണ്മെൻറു വളരെക്കാലം മുമ്പുതന്നെ ധരിക്കേണ്ടതായിരുന്നു.

ഇതിനേക്കാൾ ഗൗരവതരമായ ഒരു കാര്യം പറയാനുണ്ടു്. ബാറിൽ നിന്നും ബെഞ്ചിലേക്കുപോകുന്നതുപോലെ ബെഞ്ചിൽനിന്നും ബാറിലേക്കു വരുന്നതിനെപ്പറ്റിയാണതു്. ഇതിനെപ്പറ്റി ഞാൻ ഒരു റസല്യൂഷൻ അയച്ചിരുന്നുവെങ്കിലും സമയമില്ലാതെ പോയി. സമയംകിട്ടുമ്പോൾ ഇതു പറയാനായി ഞാൻ കാത്തരിക്കുകയായിരുന്നു. ബാറിൽനിന്നും മേലോട്ടു ബെഞ്ചിലേക്കു പോകുന്നതു പോകട്ടെ; ബെഞ്ചിൽനിന്നും കീഴോട്ടു ബാറിലേക്കു വരുന്നതു് ഏറ്റവും ആക്ഷേപാർഹമായ ഒരു സംഗതിയാണു്. ഈ സംഗതിയെപ്പറ്റി ആരും പറയാതെതന്നെ ഗവണ്മെൻറു ആലോചിക്കേണ്ടതായിരുന്നു. അല്ലഹബാദ് ഹൈക്കോടതിയിൽ ജഡ്ജിയായിരുന്ന ഒരാളുടെ മകൻ ആ കോട്ടിൽ പ്രാക്ടീസചെയ്യണമെന്നു് അപേക്ഷിച്ചിട്ടുപോലും സമ്മതിച്ചില്ല. ബ്രിട്ടീഷ് ഇന്ത്യയിൽ ഇതിനതക്ക നിവാരണമാർഗ്ഗം ഉണ്ടു്. ഇന്നലെവരെ ബെഞ്ചിലിരുന്നു് വളരെ ഗൗരവമായിട്ടു വിധി വിധിച്ചിട്ടുള്ള ഒരാൾ പരിവർത്തിതം ബാറിൽ വന്നിട്ടു ഒരു കേസു പ്രസംഗിക്കുന്ന സമയം, അദ്ദേഹത്തിന്റെ നാഷണലിസം ന്യായപൂർവ്വമായ വിധിയെപ്പറ്റി നല്ലവണ്ണം അറിഞ്ഞിട്ടുള്ള ഖാക്കി ജഡ്ജിമാർ, അദ്ദേഹം പറയുന്ന ഒരോ വാക്കും വളരെ വിലയുള്ളതായി കരുതിപ്പോകുന്നുണ്ടെങ്കിൽ അതിൽ ആ ജഡ്ജിമാരെ കുറപ്പെടുത്താനല്ല, തലേദിവസം അദ്ദേഹത്തിന്റെ ഗൗരവതരമായ അഭിപ്രായങ്ങളോടു് യോ

ജി കേണ്ടി വന്നവരായിരിക്കും ആ ജഡ്ജിമാർ. അവർ ഈ വക്കീലന്മാരെ അനുകൂലമായി വിധിച്ചാൽ അവരെ കുറപ്പെടുത്താനാവില്ല. മനുഷ്യസ്വഭാവം അങ്ങിനെയാണ്. ഇപ്രകാരം പ്രാക്ടീസ് ചെയ്യാൻ അനുവദിക്കുന്നതിൽ പല അപവാദങ്ങളുണ്ട്. ജഡ്ജിയായിരുന്ന ശേഷം വക്കീൽ പണിയെടുക്കുന്ന ആൾക്കു വക്കാലത്തു കൊടുത്താൽ കേസുജയിക്കുമെന്നു ഒരു ധാരണ ജനങ്ങളിലും ഉണ്ട്. ഇതു ശരിയാകാനെ വഴിയുള്ളൂ. ആതുകൊണ്ട് ഈ സംഗതി വളരെ ശ്രദ്ധേയമായ ഒരു പ്രശ്നമാണ്.

Mr. Thomas Manjuran.—Sir, there is a cut motion of mine which comes as number 12 on the list. It is a substantial cut. I have also recorded on the top of the paper the purpose of this cut motion. The identical topic is the subject matter. I believe I have dealt at some length on this subject during my budget speech. I am now supporting this motion.

Mr. T. K. Krishna Menon.—Does he mean to withdraw his cut motion?

Mr. Thomas Manjuran.—That is a different matter. I will decide it later on.

I referred to this aspect of the question during the course of my budget speech. I think, I am in complete agreement with all that has been said by the Hon'ble Member for Vellarappilli who spoke just now. I need not reiterate that unless recruitments to the judiciary are made from the Bar the judiciary is likely to suffer.

I don't think any further remark is necessary. I might also add that sarcastic remarks such as the one made by the Hon'ble Member for Ezhuvas were not made for the first time. I might say that the honourable profession of law has survived many such.

Mr. A. B. Salem.—I also rise to support this motion and throw out a suggestion to the Government that in recruiting the judicial officers of the State, you may promote your officers, nobody should deny them that privilege, they may also be graduates in law who have entered into service hoping to rise to this position. But that should not be the reason why the members of the Bar, who also stand up with the same kind of ambition, should be debarred from fulfilling their aspirations. So I would strike a via media. Every alternate appointment should go to the Bar. At least so much must be done by the Government. If one appointment is made from the service, the next appointment must certainly be recruited from the Bar.

The Bar is full, overful at present. Outlet must be found for these young men also. All these young men begin low. Some go to the service, others are beginning at the Bar. Why should there be a differentiation by the Government to recruit only those who have entered the service and to exclude the others. That is the thing that has taken place. It is against that, that these protests are coming. You find in the Chief Court all men recruited from the service and none taken from the Bar. There were three vacancies and the 3 were filled from the service. That kind of thing certainly does not prevail anywhere else. Why should it prevail in Cochin? Direct blood drawn in is always good. You want fresh blood always flowing everywhere. You know, Sir, in the Chief Court and in the District Courts men who were standing up at the Bar were also recruited. That is how some of our officers had come. That principle should not be lost sight of. Otherwise you open yourselves to the charge of favouritism and nepotism and all the rest. There is an honest method. The Bar Association have been pressing this demand upon the Government and the Government should have shown some consideration for their request. Why should the Bar Association be ignored and their request be ignored? What is the principle? All these things will bring about feelings of grievances to the Bar and naturally we get the results here in this outburst of feeling. As regards the other points all members who are not professional people cannot speak upon this subject. Of course I don't want them to talk seriously at all. This is a matter of science. It is not an easy thing to understand the intricacies of law. Therefore, this suggestion, Government may note, that is, recruit alternately both from the Bar and from the service.

Mr. V. V. Anantapadmanabha Ayyar.—If it were the intention of the mover that the recruitment to the judiciary must be entirely restricted to the Bar I take exception to that. There are members who enter Government service.

Mr. A. B. Salem.—A good percentage may be reserved.

Mr. V. V. Anantapadmanabha Ayyar.—They enter the lowest rung of the ladder and expect to come to a higher position by dint of honest and steady service and their claims should not always be overlooked by direct recruitment from the bar. As far as possible opportunities should be given to them also.

Mr. K. Mohamed Seethi.—On this motion, Sir, I would also like to say a few words. On the necessity of recruiting candidates from the Bar in filling up vacancies in the judiciary very little need be said. I would simply refer this House to the very brilliant instances which we had of Judges

of both the Chief Court and the Subordinate Courts where recruits from the Bar proved to be very competent and impartial Judges (*Hear, hear*) of great legal acumen, penetration, strength, courage, and independence. Is that not a sufficient indication of the necessity and the advantage that the judiciary will derive by the recruitment of members from the bar. With these words I support this motion.

Rama Varmha Tampuran.—I can give a reply. Sir, the principle that vacancies in the judiciary should, to some extent, be filled up by persons in the Bar is, in the eyes of the Government, a very healthy principle and is accepted. It has been accepted and will be accepted again.

Deputy President.—Not acted upon.

Rama Varmha Tampuran.—There may be a few instances of direct promotion from service. For example, if there are a few deserving hands in the department, immediately junior, in such cases, for short periods they are appointed. We cannot lay it as a fixed axiom that whenever there is a vacancy it should always be filled by persons from the Bar.

Mr. P. Kumaran Ezhuthassan.—What is your practice?

Rama Varmha Tampuran.—In practice also it had been so.

Mr. P. Krishna Menon.—With of course a few exceptions. The exception proves the rule.

Rama Varmha Tampuran.—What the Member said is perfectly right. Therefore, Sir, the principle is well accepted and will be as far as possible brought into practice. But to deny on that account all legitimate promotions to people in the department will be really harsh. Therefore to give a definite, unflexible assurance that every alternative appointment should go to the Bar is rather impossible.

Dr. A. R. Menon.—On a point of information, is it not a practice that in all civilised Governments a percentage of the Judges are recruited from the Bar? Judges are recruited from the bar everywhere.

Rama Varmha Tampuran.—Here too the principle is accepted.

Dr. A. R. Menon.—We have got sound principles. We are asking whether you are going to carry these sound principles into practice.

Deputy President.—We are doing it as far as possible.

Mr. A. B. Salem.—Is the Government aware that a definite proportion of persons is to be recruited from the service and others direct from the Bar in the Madras High Court?

Rama Varmha Tampuran.—What is the proportion?

Mr. P. Krishna Menon.—One-third civilians and one-third barristers.

Deputy President.—Do you want this motion to be pressed to a division?

Mr. P. Kumaran Ezhuthassan.—Government has accepted the principle, but the practice is different. I want a division. Government is not following the principle. We find that out of six or seven Magistrates we have got two only. It is for establishing this principle that I wanted to move this cut motion.

Mr. K. P. Kannan Nayar.—To bring it into actual practice. There is no use of saying that the principle is accepted.

Question proposed "*That the total allotment of Rs. 2,08,789 under demand No. XV be reduced by Re. 1.*"

Question put and agreed to none, voting against and Government not voting.

Mr. P. Krishna Menon.—If that is not opposed by the Government, it follows that it is passed unanimously.

Deputy President.—They do not vote for it.

Motion No. 12.

Mr. Thomas Manjuran.—*To reduce the allotment of Rs. 1,35,061 for Civil Justice by Rs. 5,000.*

As Mr. Thomas Manjuran did not move, the motion was considered withdrawn.

Motion No. 13.

Mr. A. L. Antony.—*To reduce the allotment of Rs. 13,716 for Establishment of Criminal Justice by Re. 1.*

Mr. A. L. Antony.—I tabled this motion to bring to the notice of the Government the necessity of supplying chairs to the various Magistrate's Courts in our State. In the Magistrate's Courts the vakils are given only backless benches, and I believe that is the custom in olden times. Anyhow Munsiff's Courts are supplied with chairs while Magistrate's Courts, at least at Irinjalakkuda, are not supplied with chairs not even with back benches. I may say that ten chairs will cost only Rs. 40 or Rs. 50. It will not be a recurring expenditure for our Government. It will be a great convenience for the vakils. Now-a-days Chief Court Vakils also often-times appear in Magistrate's Courts. Some ease and convenience will be afforded. I would like to know the opinion of the Government.

Deputy President.—They are being arranged.

Mr. A. L. Antony.—So much time for this Rs. 40?

Deputy President.—Government have no objection.

Mr. A. L. Antony.—This is no irrigation scheme or any thing like that. No time is necessary for investigation. No

constructive programme should be laid down. No engineering work is required. Order a few chairs to be supplied.

The motion was, with leave, withdrawn.

Motion No. 14.

Mr. K. Mohammed Seethi.—*To reduce the allotment of Rs. 14,402 for Criminal Justice, District Magistrate's Establishment by Re. 1.*

Mr. K. Mohammed Seethi.—No. 14 relates to the same subject. I wanted to specify the unsatisfactory sitting accommodation in the District Magistrate's Court at Ernakulam. I don't know whether the Hon'ble Members on the other side have seen the court room. At least the Hon'ble Members for Police and Excise might have noted the great inconvenience caused to the vakils. My Hon'ble friend for Kattur had been referring to the non-supply of chairs and the supply of backless benches. Even those things are denied to a large number of vakils who are practising in the District Magistrate's Court at Ernakulam. They have to keep standing till the first comes give room. The room itself is quite small.

Mr. P. Krishna Menon.—The reason is all are attracted to the bench.

Mr. T. M. Krishna Menon.—There is a provision for the purchase and repair of furniture for Magistrate's Courts.

Mr. K. Mohammed Seethi.—It is only to draw the attention of the Government to this state of affairs.

Mr. P. Krishna Menon.—Government ought to make the District Magistrate do it.

Mr. T. M. Krishna Menon.—There is provision.

Mr. P. Krishna Menon.—Making provision is not new.

Mr. K. Mohammed Seethi.—I don't press.

The motion was, with leave, withdrawn.

Motion No. 15.

Mr. P. Kumaran Ezhuthassan.—*To reduce the total allotment of Rs. 46,654 under demand XV-c by Re. 1.*

Mr. P. Kumaran Ezhuthassan.—I have tabled this motion, as I have noted on the back of the paper, to bring home to the Government the great injustice done to the present acting Head Clerk of the District Magistrate's Court in overlooking his claims for the said post and to generally recommend to the Government the desirability to safeguard the interests of undergraduates already in service. I understand that the present acting Head Clerk of the District Magistrate's Court is one who has put in a good number of years of service and who has been acting as Head Clerk for the last one year or so. Subsequent to the orders on the Finance Committee Report that place is

arranged to be filled up by drafting one to that place, a graduate-in-law from the service, and this gentleman's claim has been overlooked. It is not any complaint of mine against the present arrangement of putting a graduate-in-law in that place, but it is only specifically to bring home to the Government the unsatisfactory way in which the claims of the present incumbent who has been acting there for one year have been overlooked. From that specific case I wish to draw the attention of the Government to the claims of under-graduates who are already in service to the promotions that they are entitled to get. The fact that they may get a large number of graduates out of our colleges as well as the Travancore College in Alwaye cannot stand in the way of these under-graduates in the service. It is not a disparagement to the graduates who enter the service. It is only a recommendation to the under-graduates who are already in service.

Deputy President.—You don't press.

Mr. P. Kumaran Ezhuthassan.—I don't press.

The motion was, with leave, withdrawn.

Motion No. 17.

Mr. K. P. Kannan Nayar.—*To reduce the total allotment of Rs. 1,73,917 under demand XV by Re. 1.*

Mr. K. P. Kannan Nayar.—I don't move.

Hence the motion was considered withdrawn.

Motion No. 19.

Mr. K. Mohammed Seethi.—*To reduce the total allotment of Rs. 2,76,400 under demand No. XV by Re. 1.*

Mr. K. Mohammed Seethi.—I don't move.

Hence the motion was considered withdrawn.

Motion No. 20.

Mr. T. A. Ramachandra Ayyar.—*To reduce the allotment of Rs. 2,76,400 under demand No. XV by Re. 1.*

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ.—ഞാൻ ഈ കട് മോഷൻ കൊണ്ട് ഉദ്ദേശിക്കുന്നത് മുകൾപുരം താലൂക്കിനെ എറണാകുളം ജൂറിസ്റ്റിക് ഷനൽ നന്നാക്കുവാൻ തുല്യവേതൻ ജൂറിസ്റ്റിക് ഷനിൽ ലേക്ക് മാറ്റിക്കൊടുക്കുന്നതാണ്. ആ ജൂറിസ്റ്റിക് ഷൻ എറണാകുളം താലൂക്കിൽ കൊണ്ട് ജനങ്ങൾക്കുതന്നെയല്ല ഗവണ്മെന്റിനു പോലും വളരെ ബുദ്ധിമുട്ടുകളും കഷ്ടതകളും ഉണ്ടാകുന്നുണ്ട്. എറണാകുളം വക്കീലന്മാരൊഴികെ മറ്റാരും ഈ മാറ്റത്തിന് തടസ്സം പറയുമെന്ന് തോന്നിയില്ല. ഇതിനെപ്പറ്റി നാട്ടുകാരുടെ കഷ്ടതകൾ ഇവിടെ അറിയിക്കാം. എന്റെ നിയോജകമണ്ഡലത്തിൽ വഴികൾ വളരെ കുറവാണ് പലതവണയും ഞാനവി

ടെ പറഞ്ഞിട്ടുണ്ട്. തീവണ്ടിസ്റ്റേഷനിലേക്കു എത്തണമെങ്കിൽ ഇപ്പോഴത്തെ നിലക്ക് വൃ - ൦, ൧൦ - ൦ നാഴിക നടക്കാതെ തരമില്ല. ഒരു കേന്ദ്രിലെ കക്ഷികളോ സാക്ഷികളോ ആയാൽ വിശേഷിച്ചും, അവർ വയസ്സായ സ്ത്രീകളോ പുരുഷന്മാരോ ആണെങ്കിൽ വൃ നാഴിക നടന്ന് വണ്ടിയുടെ സമയത്തിനു എത്തുന്നതെന്നായി നമുക്കറിയാം. മണിക്കൂർ മുമ്പേ വീട്ടിൽ നിന്നും പുറപ്പെട്ടേണ്ടിയിരിക്കുന്നു. രാത്രിവണ്ടിക്കാണ് വരാൻ ഉദ്ദേശമെങ്കിൽ വളരെ കാലമെപ്പുറപ്പെടാതെ തരമില്ല. കേസുദാവസം മാത്രം അവടെനിന്നും തിരിച്ചാൽ മതിയെന്നു ഉദ്ദേശിച്ചാൽ എറണാകുളത്തെത്തി വക്കീലന്മാരെ കാണുന്നതിനും കേസു പഠിക്കുന്നതിനും തരമില്ലാതെ പോകും. അതുകൊണ്ട് തലേ ദിവസത്തെ സമയവും കളയണം. കേസിൽ ഫാജറായ ഡെവ്ലപ്പറിഞ്ഞാൽ അന്നത്തെ വണ്ടിക്ക് തിരിച്ചു നാട്ടിലെത്താനും സമയം കിട്ടുക പ്രയാസം. അതുകൊണ്ട് പിറേറദാവസമെ വീട്ടിലെത്തുമ്പോൾ സാധിക്കുമല്ലോ. ഇപ്രകാരം നിർദ്ദേശവശാൽ ഒരു കേസിൽ കക്ഷിയോ സാക്ഷിയോ ആകേണ്ടിവന്നാൽ മൂന്നു ദിവസം വൃമാകളയേണ്ടിവന്നുകൂടുന്നുണ്ട്. ഇപ്പോൾ ചില ജഡ്ജിമാർ, കക്ഷികളുടെ സ്ഥിതിയെ നോക്കി കേസു നീട്ടേണ്ട ആവശ്യമൊ, നേരത്തെ എടുക്കേണ്ട ധൃതിയൊ ഉണ്ടോ എന്നു ചോദിക്കാറുണ്ട് (ചിരി). അതു മാത്രമല്ല ഒരു സാക്ഷിയോ കക്ഷിയോ ആയാൽ രണ്ടു കൊല്ലത്തേയ്ക്കു വേറെ യാതൊരു ജോലിക്കും പോകാൻ നോക്കേണ്ടോ എന്നനിലയാണ് ഇന്നത്തേതു്. ഇപ്പോൾ ധാരാളം ബസ്സുസർപ്പീസു് ഉള്ളതുകൊണ്ട് തൃശ്ശിവപേരൂരാക്കിയ്ക്കൽ കേസു ദിവസം മാത്രം തിരിച്ചാൽ മതി. അതുപോലെ കോടതി പിരിഞ്ഞാൽ അന്നുതന്നെ കഡംബത്തിലും തിരിച്ചെത്താം. ഇതാണ് ജനങ്ങൾക്കു് സൗകര്യവും നഷ്ടമില്ലായ്മയും.

ഗവണ്മെണ്ടിനാണെങ്കിൽ, ഒരു അഡീഷണൽ ജഡ്ജിയെ എറണാകുളത്തു നിയമിക്കാനായി ആ കോട്ടിൽ സ്ഥലമില്ലാത്തതു് മറോതെങ്കിലും കോടതിയിൽ വല്ല മൂലയും ഒഴിഞ്ഞു കിടപ്പുണ്ടോ എന്നു തിരക്കി കാട്ടിനടക്കയാണ്. തൃശ്ശിവപേരൂരായാൽ ആ ബുദ്ധിമുട്ടും ഇല്ല. അവിടെ ഇതിനു മുമ്പു് ഒരു അഡീഷണൽ കോടതി നടത്തിയിരുന്നതാണ്. ധാരാളം സ്ഥലവും ഉണ്ട്. ഒരു കാരണം അതെന്നായി കൂടുതൽ ചെലവാക്കയും വേണ്ട. അതിനാൽ ഈ ജൂറിസ്റ്റിക്ഷൻ തൃശ്ശിവപേരൂർക്കു് മാറ്റിയിട്ടു് കൊള്ളാമെന്നു ഞാൻ ഉൽബോധിപ്പിക്കുന്നു.

Mr. V. V. Anantapadmanabha Ayyar.—Will the Government tell us why it was transferred from Trichur to Ernakulam?

Mr. V. Achyuta Menon.—I endorse every word of what the Member for Nellayi has stated. I have not got any suits pend-

ing in the District Court or in the Appeal Court but it has been brought to my notice that many clients suffer great hardships on account of the transfer of the jurisdiction of Irinjalakkuda. Of course in former days it took two or three days for a client or witness to come from Nellore to Ernakulam. But what had he to pay for the journey to Karupadana? He would simply walk and had to spend only two puthans for boat fare; and here in Anjumuri he had to pay only one puthan or two puthans for his meals. For one puthan he would get rice, one curry and one pappadam, but for two puthans he would get rice, all the curries and two pappadams. It cost him very little though he took a longer time to reach his destination. But now to come to the courts here for realising his dues or collecting his debts or removing encumbrances on his properties he has to incur expenses for self, witnesses, etc., such as travelling expenses, boat expenses, expenses for meals and coffee twice or thrice or once a day and when he returns he will have with him something less than minus. I don't know whether this is the second time or the third time that Irinjalakkuda has been transferred. It was originally in the Trichur division and it was transferred to the Anjikaimal District Court. Afterwards it was transferred to Trichur, twice I think, if I remember correctly.

Deputy President.—Once.

Mr. V. Achyuta Menon.—I speak subject to correction.

Mr. T. M. Krishna Menon.—I recommended its transfer to Trichur.

Deputy President.—Only once.

Mr. V. Achyuta Menon.—If my memory is correct, it was twice transferred. Clients, etc., felt considerably relieved when it was so transferred. The client population of my constituency will be very happy if Government can see their way to transfer the Irinjalakkuda Munsiff's Court once more to the jurisdiction of the District Court at Trichur.

Dr. A. R. Menon.—Sir, my constituency also will be very happy to have the jurisdiction of Irinjalakkuda transferred. Apart from the various reasons assigned by the two speakers who represent their constituencies, I am bound to represent the interests of my constituency here, a procedure which I rarely resort to in this Council. I used to speak only on general subjects or on general principles but rarely do I bring the complaints of the poor Trichur to the notice of this House. When representatives of Ernakulam were anxious to represent their views, I used to sit quiet thinking that a time would come when we would get what little is due to us. But now this is a very important matter, and I think that the jurisdiction has been changed through the instrumentality of the legal profession of

Ernakulam, or by the representation of the legal profession. Well, if I am wrong, I apologise to the members of the legal profession.

Mr. K. P. Kannan Nayar.—You are wrong.

Dr. A. R. Menon.—Then I apologise. Whatever it is, we have got a large legal population in Trichur. Irinjalakkuda being near and contiguous to Trichur, the interests of Irinjalakkuda should not be sacrificed for the sake of the Bar at Ernakulam. We do not say that you should do anything for us but we object to the interests of the locality to be sacrificed for the sake of the Bar at Ernakulam. The accredited representatives of the adjacent parts have already said that they are very anxious to have Irinjalakkuda brought under the Trichur jurisdiction, and I say that Trichur is anxious to have that in our possession, and if the Government does not give us adequate reasons why such a change could not be effected, I shall continue attributing this to the inordinate influence that the Ernakulam Bar is having with the Government.

Mr. V. V. Anantapadmanabha Ayyar.—May I know what was the prime reason for the transfer from Trichur to Ernakulam?

Mr. A. Sankara Menon.—People wanted.

Mr. P. Krishna Menon.—Will the Government be pleased to inform whether there is any paper up to this moment in the possession of the Government emanating from the Bar advocating the transfer of the jurisdiction?

Dr. A. R. Menon.—I apologised.

Mr. P. Krishna Menon.—I have nothing to do with you. I am simply asking for information. Why all this interruption without knowing what the question is?

Mr. C. A. Kunjunni Raja.—Trichur Bar has made a representation for the transfer of the jurisdiction.

Mr. P. Krishna Menon.—Is there any paper in the possession of the Government emanating from the Ernakulam Bar advocating the transfer of the jurisdiction? The answer is there is no paper. On the other hand, I may say for the information of the House that there are enough and more of representations in the possession of the Government not from Doctors, nor from landholders, but from the litigant public of Irinjalakkuda asking for the transfer of the jurisdiction from the Trichur court to the Anjikaimal District Court.

Mr. T. A. Ramachandra Ayyar.—A petition came from the clients of the Ernakulam vakils.

Mr. P. Krishna Menon.—Knowing the vakils of Ernakulam, the clients prefer the vakils of Ernakulam. That is all.

Government may be pleased to state the reason for that transfer.

Dr. A. G. Menon.—The Government view also may be expressed.

Mr. K. P. Kannan Nayar.—It was referred to the Ernakulam Bar Association. They were absolutely neutral in the matter.

Mr. T. M. Krishna Menon.—What I then heard was that most of the litigants of Ernakulam had established connections with the vakils of Ernakulam, they had more confidence in the vakils of this place and that it is difficult to take them to Trichur.

Dr. A. R. Menon.—I take exception to the statement.

Mr. T. M. Krishna Menon.—I heard them. It is only a hearsay.

Dr. A. R. Menon.—I cannot allow that statement to go unchallenged. Unless you are sure, that statement is given as a cause, why do you make that statement?

Mr. T. M. Krishna Menon.—Why don't you hear me out?

Dr. A. R. Menon.—It has already been out. Because of the great trust in the legal luminaries of Ernakulam and the want of trust in the Trichur vakils the jurisdiction had to be transferred. That is a statement which I object to. My constituency, don't you see?

Mr. V. V. Anantapadmanabha Ayyar.—May I know whether the jurisdiction was originally transferred from Ernakulam to Trichur?

Mr. T. M. Krishna Menon.—To give relief to the Ernakulam District Court. There were no additional Judges then, only principal Judges.

Mr. V. V. Anantapadmanabha Ayyar.—That is not on account of the people.

Deputy President.—There was less work at Trichur. To equalise the work. Subsequently it was found that the work was a little heavier.

മിസ്റ്റർ ടി. കെ. നായർ.—വല്ല ഉദ്യോഗസ്ഥന്മാരുടെയും സെരക്യൂട്ടുകളെ കരുതിയിട്ടാണ് ജനങ്ങളുടെ ഈ അപേക്ഷ ഗവണ്മെന്റ് നിരാകരിക്കുന്നതെങ്കിൽ അതു വളരെ ആക്ഷേപാർഹമായ ട്ടുള്ളതാണ്. ഇരിഞ്ഞാലക്കുടയും എറണാകുളവും, ഇരിഞ്ഞാലക്കുടയും തൃശ്ശിവപേരൂരും തമ്മിലുള്ള ബന്ധവും സെരക്യൂട്ടും ആലോചിക്കുകയാണെങ്കിൽ ജനങ്ങളുടെ ഈ അപേക്ഷ ഏറ്റവും ന്യായമായ ട്ടുള്ളതാണെന്നു കാണാം. അഞ്ചോ പത്തോ മിനിട്ട് ഇടവെട്ട് ഇരിഞ്ഞാലക്കുട നിന്നും തൃശ്ശിവപേരൂർ ബസ്സ് സ്റ്റീപ്പിംഗ്

ഉണ്ട്. അത്ര എളുപ്പത്തിൽ ഗതാഗതസൗകര്യമുണ്ടായിരിക്കെ അതിന്റെ പത്തിലൊരംശംപോലും സൗകര്യമില്ലാത്ത എറണാകുളത്തേക്കു ഈ ട്രിസിസ്റ്റിക്ഷൻ മാറിയതിന്റെ ഉദ്ദേശം മനസ്സിലാക്കുന്നില്ല. നാട്ടുകാരുടെ അപേക്ഷപ്രകാരമാണ് ചെയ്തതെന്നു വിചാരിക്കാൻ ഇപ്പോഴത്തെ പരാതി അനുവദിക്കുന്നുമില്ല.

ഡിപ്യൂട്ടി പ്രസിഡെണ്ടു—മാറുന്നകാലത്തു ബസ്സ് സർവ്വീസ് ഉണ്ടായിരുന്നില്ല. അതിനാൽ ആക്ഷേപവും ഉണ്ടായില്ല.

മിസ്റ്റർ ടി. കെ. നായർ.—ഇന്നത്തെ കാര്യമാണു പറയുന്നതു്. അന്ന് ആക്ഷേപമുണ്ടായില്ലെങ്കിൽ ആക്ഷേപമുണ്ടാകുന്ന ഇക്കാലത്തു് ജനങ്ങളുടെ അഭിപ്രായമനുസരിച്ചു പ്രവൃത്തിച്ചാലെന്താണു്? ഇതുപോലെതന്നെ പല റജിസ്റ്റർ അഫീസുകളിലും ഈ മാതിരി അസൗകര്യങ്ങൾ ഉണ്ടു്. ഒരു റജിസ്റ്റർ അഫീസിനടുത്തുള്ള പല വാല്യേജുകളും ഭൂരെയുള്ള റജിസ്റ്റർ അഫീസത്തായിൽ ചേർന്നതു് ജനസൗകര്യം ആലോചിച്ചാണെന്നു തീർച്ചയായും പറഞ്ഞുകൂടാ.

ജനങ്ങളുടെ സൗകര്യത്തെ നോക്കേണ്ടതിനുപകരം ഉദ്യോഗസ്ഥന്മാരുടെ സുഖസൗകര്യങ്ങളെ നോക്കിയാണ് ഇങ്ങിനെ ചെയ്തിരിക്കുന്നതു്. ഈ വക ഏല്പാടുകൾ ഉടനെ മറേറണ്ടതു ആവശ്യമാണു്. ഉദ്യോഗസ്ഥന്മാർ ജോലിയില്ലെങ്കിൽ ബ്രിട്ടീഷിൽനിന്നോ തിരുവതാംകൂറിൽനിന്നോ കറെ വാല്യേജുകൾ കടംവാങ്ങി കൊടുക്കുവാൻ ശ്രമിക്കുന്നമാതിരിയാണ് ഈ ഏല്പാട്.

അതിനാൽ ജനങ്ങളുടെ അഭിപ്രായം സ്വീകരിച്ചു് ഈ ട്രിസിസ്റ്റിക്ഷൻ മാറിക്കൊടുക്കണമെന്നു ഞാനും അഭിപ്രായപ്പെടുന്നു.

Mr. C. J. Mathew.—I should also think that they may find it more convenient, after these buses have been introduced, to go to Trichur rather than come down to Ernakulam.

മിസ്റ്റർ ഐ. ഇ. അനൂക്കൻ.—ഇവിടെ ട്രിസിസ്റ്റിക്ഷൻ മാറികിട്ടണമെന്നു് പറയുന്നതു്, ഇരങ്ങാലക്കുട മുൻസിഫിന്റെ അതൃത്താമാത്രമൊ മുക്കുന്ദപുരം താലൂക്കു മുഴുവനുമൊ? താലൂക്കു മുഴുവനാണെങ്കിൽ എനിക്കു ആ അഭിപ്രായത്തെ പ്രതിഷേധിക്കേണ്ടിയിരിക്കുന്നു.

ഡിപ്യൂട്ടി പ്രസിഡെണ്ടു്.—മുക്കുന്ദപുരം താലൂക്കു വേറെ വല്ല ട്രിസിസ്റ്റിക്ഷനിലുംചെട്ടിട്ടുണ്ടോ?

മിസ്റ്റർ ഐ. ഇ. അനൂക്കൻ.—പൊയ്യ, മടത്തുംപടി, തിരുമക്കുളം മുതലായ വാഭാഗങ്ങൾ ഇപ്പോൾ കൊടുങ്ങല്ലൂർ അതൃത്തിയിലാണു്. അതു മാറേണ്ട ആവശ്യമില്ല. അവടെയുള്ളവർക്കു് ഇപ്പോഴത്തെ ഏല്പാടു വളരെ സൗകര്യപ്രദമാണു്.

മിസ്റ്റർ കെ. പി. കണ്ണൻനായർ.—മുൻസിഫ് അതൃത്താമാത്രമാണു് മാറികിട്ടണമെന്നു പറയുന്നതു്.

മിസ്റ്റർ ഐ. ഇ. അനൂക്കൻ.—എന്നാൽ വിരോധമില്ല.

Deputy President.—Do you press?

Mr. C. J. Mathew.—If they have no objection to the transfer.

Mr. T. M. Krishna Menon.—We will consider. Just now we can't decide.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ.—ഈ അതൃപ്ത മാറ്റം കിട്ടുന്നതിനു വല്ല ഹർജികളും കിട്ടുകയുണ്ടായോ? ഗവണ്മെന്റ് എന്താണ് തീർച്ചയാക്കിട്ടുള്ളതെന്നറിഞ്ഞാൽ കൊള്ളാം.

ഡിപ്യൂട്ടി പ്രസിഡൻ്റ്.—കൗൺസിലിൻ്റെ അഭിപ്രായം അറിഞ്ഞിട്ട് ചെയ്യാമെന്നാണ് പറയുന്നത്.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ.—ഞാൻ കട് മോഷൻ്റെ പുറത്തു എൻ്റെ ഉദ്ദേശം എഴുതിയയച്ചിട്ടുണ്ടായിരുന്നു. അതു കണ്ടിട്ട് ഗവണ്മെന്റ് ഒരു മറുപടിയും പറയാൻ തയ്യാറായി വന്നിട്ടില്ലെന്നാണോ അർത്ഥമാക്കേണ്ടത്?

ഡിപ്യൂട്ടി പ്രസിഡൻ്റ്.—അതു രണ്ടുമുൻ്റെ ദിവസം മുമ്പെ കിട്ടിയതിനുള്ളിൽ. ഇതൊക്കെ ആലോചന ആവശ്യമുള്ളതാണ്.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ.—പിന്നെ ഞങ്ങൾ അതിൻ്റെ പുറത്തു എഴുതിയയക്കുന്നതിൻ്റെ ഉദ്ദേശം എന്താണ്?

ഡിപ്യൂട്ടി പ്രസിഡൻ്റ്.—വോട്ടിംഗിനുമുമ്പ് വോട്ടിംഗിനുമെങ്കിൽ ജൂറിസ്റ്റിക്ഷൻ മാത്രമോ താലൂക്കു മുഴുവനുമോ മാറ്റം കൊടുക്കണമെന്നു കൂടി അറിയിക്കേണ്ടിയിരിക്കുന്നു.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ.—ജൂറിസ്റ്റിക്ഷൻ മാത്രം മാറ്റം കിട്ടണമെന്നാണ്.

Mr. T. M. Krishna Menon.—We are agreeable for any course.

Deputy President.—The question is the transfer of the jurisdiction of the Irinjalakkuda Munsiff's Court to the jurisdiction of the Trichur Munsiff.

Dr. A. G. Menon.—The point is that the appeals from the Munsiff's Court should be to Trichur.

Mr. C. J. Mathew.—The point at issue is that the jurisdiction of the Irinjalakkuda Munsiff's Court may be transferred to Trichur.

Deputy President.—The cut motion before the House is that the allotment of Rs. 2,76,400 be reduced by one rupee to draw the attention of the Government to the necessity of transferring the jurisdiction of the Irinjalakkuda Munsiff's Court to the jurisdiction of the Trichur Munsiff's Court.

The motion was put and agreed to, none voting against and Government remaining neutral.

Motion No. 21.

Mr. A. B. Salem.—*To omit the allotment of Rs. 1,73,917 for Law and Justice.*

Mr. A. B. Salem.—Sir, I rise to move the total omission of the demand of Rs. 1,73,917 under Law and Justice moved for by my eminent friend, the Member for Law and Justice. Of course, there is some dissatisfaction against the judiciary which has been already expressed, and we are all very guarded in speaking about our judicial tribunals here. So, I don't want to add anything more than what has been said during the general discussion time, and during the course of the token cuts here. We wish the question of representation, of not represented classes or only partially represented classes, to be kept prominently in view, as well as the idea of recruiting alternately from the Bar and from the service also to be kept in view, by the Government, in all future appointments to the judicial tribunals of the State. And on these issues and upon our general issues that have been already voiced forth in this House, I press this matter to a division.

The motion that the demand of Rs. 1,73,917 for Law and Justice be omitted, was put and agreed to.

5. X—Law and Justice—Cranganur—Rs. 10,125.

Mr. A. Sankara Menon.—I rise to move for an allotment of Rs. 10,125 under Law and Justice, Cranganur. The increase is due to the revision of salaries of officers.

Dr. A. G. Menon.—No cut motion, Sir, with regard to Cranganur.

Mr. A. B. Salem.—The one tabled is withdrawn.

Dr. A. G. Menon.—The whole demand may be put.

Motion No. 1.

Mr. A. K. Kunhi Moideen.—*To reduce the total allotment of Rs. 10,125 under Demand No. X by Rs. 2,000.*

As it was not moved, the motion was considered withdrawn.

Question proposed:—*That the demand of Rs. 10,125 under Law and Justice—Cranganur be carried.*

Question put and agreed to.

6. XVI.—Jails—Rs. 40,517.

Rama Varmha Tampuran.—I rise to move for an allotment of Rs. 40,517 under XVI—Jails. The increase is due to the revision of the salaries ordered. There are no special items requiring further explanation. If any further information is required, it can be furnished.

Mr. A. B. Salem.—Sir, I rise on a point of information.

I have tabled a total cut under Jails which I do not see here. I am not particularly anxious that it should come there. I have tabled a cut and you have acknowledged the cut and I have got a letter also to the effect that the cut to omit the allotment for Jails is disallowed under section 16 (4) and section 11 (a) and all that. I do not know how those sections come. What offence have I done?

Mr. T. K. Krishna Menon.—Those sections have no reference to *the Penal Code*.

Mr. A. B. Salem.—Why the total cut is disallowed I fail to see. I have tabled the cut. What is the offence I have committed in tabling the cut? Is it impossible for you to rule?

Deputy President.—You will have to go by the agenda.

Mr. A. B. Salem.—I have asked the total of the votable item to be omitted, and it is my right.

Deputy President.—The President has the right to disallow it.

Mr. A. B. Salem.—There is nothing there for disallowing it. I am not questioning the right of the President. I say these sections, which are quoted. I have not offended.

Deputy President.—You ask him. He is here.

Mr. T. K. Krishna Menon.—I shall say in my turn.

Motion No. 1.

Mr. C. J. Mathew.—*To reduce the allotment of Rs. 888 for establishment of the Superintendent by Rc. 1.*

Mr. C. J. Mathew.—Sir, the object is to point out how our Government misuse or abuse the training they give to their subordinate officers. Two gentlemen were selected and sent to Vellore to get trained to be entertained in our Police force. Now, after giving them the training necessary to be good police officers, mysteriously enough, one among them is now sent to the Central Jail. I am referring to Mr. Mannadiar. Is the training given to him at Vellore, one that qualifies himself to the post of the Superintendent of Jail or one which qualifies him to be a good and able, honest police officer of the State? The Government must have sent them to Vellore, because there must have been necessity made out for efficient police officers. Government have also spent a good lot of money for their training. It was with extreme difficulty that the Government secured for them two seats in the Vellore school. After our men having got trained as police officers at a school where it is very difficult to get admission, I say it is absurd to remove them to other departments and their services utilised otherwise. It is a very great injustice done to them. If Mr. Mannadiar does not

feel it, it is because he gets a lift thereby over his friend. The post of the Jail Superintendent is a very good appointment, especially because it carries a very good remuneration. But, Sir, may I ask the Government, what is the offence which the other gentleman who got trained along with him has committed in order that he should be thrown to the back-ground? Both were recruited to the Government service the very same day and they were given the very same training.

Mr. T. M. Krishna Menon.—Two persons cannot be appointed for the post of the Superintendent of Central Jail.

Mr. C. J. Mathew.—Oh! really!! I am coming to that. What I want to point out first is that both of them were recruited to the service the *same day*, appointed the *same day*, given the *same training* and put under the *same grade of pay* to start with. Now, by some somersault one of them is suddenly promoted to a higher grade of pay. Mr. Mannadiar's present pay is Rs. 150—200 while the other gentleman is still in the grade of Rs. 100—150. Is not this a great injustice done to one of them. And it is shockingly surprising to note that among them, the gentleman who is left behind is more qualified for promotion than the other. He is in addition a graduate-in-law, which the other is not. So, the result is that being more qualified he is found not entitled for promotion to a higher grade of pay. His sin is he is a Christian. I point out, Sir, that if better qualifications are not recognised in the matter of making promotions, irrespective of caste and creed, we poor Christians stand very much to lose. We have no influence to be brought to bear and therefore we suffer. That is the net result. The differential treatment in this case is very glaring indeed! I say this not because I hold any brief for the gentleman fated to be in the lower grade, nor because I want to cry down the higher grade gentleman. I only want to point out this *injustice* done between man and man. Why this *differential* treatment? When the orders on the Special Finance Committee Report were passed the Government could have very well removed this glaring difference in the matter of pay of these two gentlemen, one getting Rs. 150-200 and the other Rs. 100-150 only. They both could have been put in the *same* grade if two posts of Jail Superintendents were not available. That was the suggestion of this House also. May I know what is the criterion of this difference? Both are, as I said before, Vellore-trained and both ought to be as a matter of fact in the field service. Both are far away from their legitimate field of work. One is more qualified than the other and why then he is put in the lower grade of pay? When a gentleman is preferred over the other, there must

be some special reason for doing so. If both are equally qualified anyone may be selected for promotion. But when one is decidedly more qualified, why throw him overboard and select the other with inferior qualification? So, my case is, this ill-fated gentleman, in the lower grade of pay, ought at least in justice, be given the same grade of pay as the Superintendent of Jail, if their services are not required now in the field, namely, in the police force. When Mr. Nilankanta Menon returned after his training from Vellore, he was made the District Magistrate. We are thus getting them qualified for one thing, while we make them do other kinds of work which are entirely different from those for which they are trained. This is a very curious way with our Government, unheard of anywhere else. I want the Government to kindly look into this matter and do justice between man and man.

Rama Varmha Tampuran.—Sir, the two persons whom the Hon'ble Member referred were really got trained at Vellore. But as a matter of fact neither of them is in the field. Neither of them is doing the work in which he was given training. There is no post for which they can be posted. Then as regards the question of a police officer being taken over to the Central Jail as Superintendent, well, Mr. Augustus was taken over to the Central Jail. He was then the Senior Police Inspector.

Mr. C. J. Mathew.—But you must justify why the other man is placed in the lower cadre. What is the criterion of selecting them.

Rama Varmha Tampuran.—Qualifications, etc.

Mr. C. J. Mathew.—Where is the necessity for sending them for training, if they are not to be put in the field?

Mr. K. J. Antony.—On a point of order, may I ask whether the opinion of the Member for Police was obtained before they made the appointment?

Rama Varmha Tampuran.—I don't think that it was. And I don't think that there was any necessity for doing it.

Mr. C. J. Mathew.—I want the Government not to do injustice.

Rama Varmha Tampuran.—It is not injustice, Sir. Nor is it abusing the privilege.

The motion was, with leave, withdrawn.

Motion No. 2.

Mr. C. V. Kuriyan.—*To reduce the total allotment of Rs. 43,500 under Demand No. XVI by Re. 1.*

As the Member was absent, the motion was considered withdrawn.

Motion No. 3.

Dr. A. R. Menon.— *To reduce the total allotment of Rs. 43,500 under Demand No. XVI by Re. 1.*

Dr. A. R. Menon.— Sir, the object of this cut motion is to draw the attention of the Government to a recent incident that took place in the Central Jail, viz., in removing a prisoner who is convicted of wilful murder of his own son-in-law, which conviction was confirmed by the High Court, for penal servitude for life. The House will remember that an adjournment motion was brought before this House but owing to certain difficulties and owing to certain exigencies we were not in a position to move it in this House. Since then, I understand, the prisoner has been removed back to his old place in the Central Jail, so much so that the ground has been cut under my feet to-day.

Diwan Bahadur Dr. V. Verghese.—What is that last word?

Dr. A. R. Menon.—So much so that the ground under my feet is cut. Otherwise the attempt would have taken a different form and shape. Now, I want to know why preference was shown to a murderer who committed the heinous crime of murder upon his own son-in-law, and there is evidence in the case to show that he committed the most cold-blooded murder and he cut the neck of the deceased like a butcher killing a goat. Why then this great mercy, this great indulgence, this great consideration and this great humanity, was shown to such a man in preference to four other prisoners of whom two were not convicted of murder, I allude to Shekhannan. Now, there were 4 prisoners suffering from the same disease of which at least two were suffering for a number of years. I want to know why of the four the most guilty person was selected to show this humanity by the Government. If they did so in consultation with the Inspector-General of Prisons and on the recommendation of the Superintendent or if they had the Inspector's suggestions, is it not conducive to the growth of grievance in the prison when this preferential treatment is shown only to one man. As I have said the other day, I would not have felt it keenly, if, that consideration is shown to the others also. But if you do that within the four walls of the prison, at least there shall be one voice to criticise your action in season and out of season, both day and night. You go there and select a man. The only qualification for showing this preference, I assert before this Council and before the body of representatives of the people, is—that he happened to be a rich man. Does richness influence the Government to this extent? Is it right that a civilised Government should show.

this partiality especially to a man who happens to be guilty of murder? Did the Government take any action against the officer who did this? Why was he removed? Why was he sent back? These are questions on which the Government must answer. I hope the Government will give us an answer so that the public may not speak ill of the Government measure.

Diwan Bahadur Dr. V. Verghese.—What is it, ill of the Government measure?

Dr. A. R. Menon.—You go into the Jail without consulting the responsible officers, as I take it to be, and on your recommendation—I don't care of whose—you remove the prisoner here; and what sort of person is he? I can understand a man committing a murder in a momentary passion without any premeditation, all on a sudden in great anger. When they were talking his throat was cut until he was dead. All these things came out in the trial, I remember. I don't want to speak anything ill of that poor devil, he has suffered and I don't object to his being removed. I shall be happy, if you do everything to the prisoners. I never said anything against the prisoners. I say you must extend that humanity not to one man alone but to all the other prisoners who are like your cattle, with whom you can do anything you like, and who have no liberty. And why this humanity was not extended to the rest? Is it that they are so very poor that you cannot afford to extend it? I don't think it is humane consideration alone; if it is so, you would have shown the same consideration to all the prisoners. I say it would be better for the prestige, the fair name of the Government and for its honesty to give a reason why the only wealthy man was selected for this treatment, though he was suffering for the most heinous crime. That is one point. The second point I want to bring to the notice of the Government is it is only a suggestion, you may take it or not take it—that in a jail it would be better to place all the officers under the control of one. Every officer of the jail must be under the control of one single individual. Certainly, I am referring to the Medical Department. Certainly, the doctor's work may be checked or his work supervised, but so far as discipline is concerned, it would be an innovation in the right direction, if the doctor also is placed under the direction of the Superintendent of Jail. That is the custom everywhere. I simply throw it out as a suggestion. I don't know whether it is practicable. If you think it practicable or reasonable, then do it. I think that the same doctor should be prevented from private practice. I want to bring to the notice of the Government that he should be prevented from carrying on private practice. I don't say that because I will

get that income also. Certainly not. For, it may so happen that, at some time when a prisoner is seriously ill, he may be out. But you must make it worthwhile for him to remain there. And when you deprive him of it, you will have to compensate it by ample allowance. That is only a suggestion. It is only a suggestion, not an order to the Cochin Durbar, that an allowance equal to his pay may be given to the doctor, who, for the time being, is the jail doctor.

Diwan Bahadur Dr. V. Verghese.—He gets an allowance.

Dr. A. R. Menon.—And don't think that this practice affects my practice. You gentlemen are liable to think all that. So, it is not on that ground. Now, therefore, you can increase this allowance and ask him not to do private practice and that he should be in the jail compound and he should not leave without the authority of the Jail Superintendent. And I would like to hear the explanation of the Government on the first point that I raised.

Diwan Bahadur Dr. V. Verghese.—Sir.

Mr. A. B. Salem.—I wish to inform that we have to speak. But we shall hear the Government Member and if necessary we will speak. It may not be taken that we have given away our right of speech. We want to know the facts.

Diwan Bahadur Dr. V. Verghese.—Sir, I was informed that I will not have to rise again before next Tuesday to answer to the legality or soundness of any action of mine. But the Hon'ble Member from Trichur who never misses an opportunity to attach sinister motive or paint in lurid colours any and every action of mine, has necessitated me to rise again this evening.

Mr. P. Kumaran Ezhuthassan.—Is it not personal, Sir.

Diwan Bahadur Dr. V. Verghese.—This kind of interruption interferes with my speech. The Member has not only taken exception to the transfer of a prisoner from the Central Jail to the Ernakulam General Hospital, but has in a most objectionable manner attributed sinister motives which either in the capacity of an honourable gentleman or of that of a Member of this House he should never have attempted to do without even the slightest amount of evidence to substantiate his insinuation.

Dr. A. R. Menon.—On a point of order. What is the insinuation?

Diwan Bahadur Dr. V. Verghese.—The whole House knows what the insinuation is.

Deputy President.—If you want me, I will explain. Everybody knows it. Why do you quarrel?

Diwan Bahadur Dr. V. Verghese.—It would be interesting for this House to know the history of these patients referred to by the Hon'ble Member. Their case was the subject of discussion and enquiry in this House for many a time. At one time, you might have heard the questions brought by the Member for Nellore, cuts and the questions.

Mr. T. A. Ramachandra Ayyar.—No answer was given to my questions.

Diwan Bahadur Dr. V. Verghese.—I am not going to give you now. This is a disease, Sir, which has baffled the powers of the doctors here either to diagnose or to treat. These cases were originally regarded as cases of neuritis which is now recognised to be due to the absence of vitamine in food. There are cases of neuritis which is visible in nearly every treatment. But the peculiarity here was that here was a prisoner with the disease growing while there is the absence of it in the civil population outside. If I read to this Council the various observations that I have made from time to time, this House will be convinced why that particular man was taken by him. Early in 1926 I shall cite 4 cases of neuritis which was in an advanced stage as they all contracted since neuritis and two of whom within 2 to 4 months of their coming into jail.

Dr. A. G. Menon.—On a point of order, what vitamine. Of course only for information. Do not think I am putting unnecessary questions.

Diwan Bahadur Dr. V. Verghese.—Vitamine B. C. and E.

Mr. A. B. Salem.—B. C. D. or B. C. E.

Diwan Bahadur Dr. V. Verghese.—B, C and E. Three years have now passed. It was in 1926. I was in correspondence with experts, and I even got the opinion of Dr. Macarrison and his opinion was to change the diet altogether and to give whole meal wheat flour. I say that not only it was unacceptable here but it was very expensive and did not risk Government in taking to that. And this I came to understand from the old Superintendent of Jail that two prisoners were affected.

Dr. A. R. Menon.—It may be postponed for tomorrow.

Diwan Bahadur Dr. V. Verghese.—But I have only touched the very fringe of the subject.

Dr. A. R. Menon.—Then I think I may have a right of reply.

The House rose for the day, it being 5 P. M.

T. K. KRISHNA MENON,

Secretary to the Council.